INDEX

- A -	Alter Ego (Cont'd)
Abandonment	associated vendor factors
Neglect, 4:3	arms' length relationships among entities, 11:41
Abuse	assets treatment by individual,
Elder abuse (this index)	11:41
Financial abuse (this index)	commingling of funds, 11:41 concealment and
Physical abuse (this index)	misrepresentation, 11:41
Activities Of Daily Living (ADLs)	debts liability, personal, 11:41
Pre-trial discovery	director and officer ownership, 11:41
legends, 10:24 omission, critical documentation,	equitable ownership, 11:41
10:23	financial interest, 11:41
Acuity	governing law, 11:41 identification, 11:41
Documents Evidencing	issue stock, authority, 11:41
generally, 10:56 to 10:64	labor services procurement, 11:41
assisted living facility and resident acuity, 10:62 to 10:64	legal formalities, disregard, 11:41
facility assessment, 10:61	meeting minutes, 11:41
facility Assessment, 10:61	personal liability, 11:41 responsible ownership and
Minimum Data Set assessments,	management, 11:41
10:58 patient driven payment model	sole ownership, 11:41
categories, 10:58	undercapitalization, 11:41
payroll type, short term vs. long term, 10:60	before or after liability phase trial, 11:43
Program for Evaluating Payment	court determination, 11:42
Patterns Electronic Reports, 10:59	governing law
Skilled Nursing and Resident Acuity, 10:57	associated vendor factors, 11:41
	identity recognition, 11:40 separate personality, 11:40
ALE policies and procedures	unity of interest and ownership,
ALF policies and procedures qualifications and duties, 10:28	11:40
•	overview, 11:39
Advertising Unfair business practice	trial, 11:44 Elder abuse litigation, 17:145
not limited, 12:45	
Agency of Claims	Arbitration Living Plaintiff, 1:31
Deceased victim, 1:61	Living Flamum, 1.51
Living victim, 1:58	Assault and Battery
Aiding and abetting	Generally, 9:190 to 9:215 Behavioral interventions, 9:201
Aider and Abettor Liability	Care plans, 9:197
generally, 11:25 to 11:28 aiding and abetting defendants,	Common defenses, 9:206
11:28	Engagement with mental health
corporate liability, defendants, 11:28	professionals, 9:205 Environmental controls, 9:202
overview, 11:26 specific knowledge, 11:27	Evaluating foreseeability of aggression,
	9:208, 9:209
Alter Ego	Incident reporting and response, 9:204
Corporate liability generally, 11:38 to 11:44	Perpetrators, 9:192 Prevention and interventions, 9:196
35,,	

Assault and Battery (Cont'd) Reasonable preventative measures, 9:213 Resident assessments, 9:197 Resident-on-resident, 9:194 Resident placement and grouping, 9:203 Staff-on-resident, 9:193 Staff training, 9:214 Staff training and education, 9:198, 9:199 Sudden and unexpected, 9:211 Supervision and monitoring, 9:200, 9:215 The role of cognitive decline or impairment, 9:212 Third parties, 9:195	Attachment (Cont'd) generally, 13:36 to 13:44 availability, 13:43 business or trade actions, 13:39 contract actions, 13:39 definition, 13:37 ex parte application or motion, 13:40 Fraudulent Transfer Act, 13:44 property subject of attachment, 13:38 protective orders, temporary, 13:41 Attorney Fees Elder abuse litigation patients8217 bill of rights health & safety code § 1430(b),
Unavoidable incident, 9:210	12:34 MICRA 2:32
Unforeseeable aggression, 9:207 Assisted Living Facilities (ALFs) Generally, 8:2, 8:3 Common care staff roles	MICRA, 2:32 Patients8217 bill of rights health & safety code § 1430(b), 12:34
generally, 8:9 to 8:8:15 activities of daily living (ADLs), 8:10 caregivers, 8:10 licensed administrators, 8:14 medication technicians (Med Techs), 8:11 regional and corporate oversight, 8:15	- B - Burden of Proof Pre-trial discovery Long-term care facility operations, 10:44
resident care coordinators, 8:12 resident care directors, 8:12 resident wellness nurses, 8:13 Federal regulation, 8:30 Health & safety code, 8:4 Operations models, 8:5	Case Opening Client fact gathering letters, 1:47 Complaint, 1:48 Identifying defendants, 1:55 Initiate expert review, 1:51
See Common Care Staff Roles, above, 8:16 memory care units, 8:8 multi-level care campuses, 8:16 six-packs, 8:6 traditional ALFs, 8:7 Residential Care Facility for the Elderly	Liens, 1:52 Preservation letter, 1:46 Protocols, 1:44, 1:45 Publicly available documents, 1:54 Records requests, 1:53 Statement of damages, 1:49 Successor-in-interest declaration, 1:50
See Common Care Staff Roles, above, 8:16 memory care units, 8:8 multi-level care campuses, 8:16 six-packs, 8:6 traditional ALFs, 8:7 Residential Care Facility for the Elderly (RCFE), 8:4 State regulation, 8:17 to 8:28	Liens, 1:52 Preservation letter, 1:46 Protocols, 1:44, 1:45 Publicly available documents, 1:54 Records requests, 1:53 Statement of damages, 1:49 Successor-in-interest declaration, 1:50 Case Selection
See Common Care Staff Roles, above, 8:16 memory care units, 8:8 multi-level care campuses, 8:16 six-packs, 8:6 traditional ALFs, 8:7 Residential Care Facility for the Elderly (RCFE), 8:4 State regulation, 8:17 to 8:28 licensing agency, 8:18 Terminology, 8:4 Unique aspects/challenges, 8:31 to 8:36	Liens, 1:52 Preservation letter, 1:46 Protocols, 1:44, 1:45 Publicly available documents, 1:54 Records requests, 1:53 Statement of damages, 1:49 Successor-in-interest declaration, 1:50
See Common Care Staff Roles, above, 8:16 memory care units, 8:8 multi-level care campuses, 8:16 six-packs, 8:6 traditional ALFs, 8:7 Residential Care Facility for the Elderly (RCFE), 8:4 State regulation, 8:17 to 8:28 licensing agency, 8:18 Terminology, 8:4 Unique aspects/challenges, 8:31 to	Liens, 1:52 Preservation letter, 1:46 Protocols, 1:44, 1:45 Publicly available documents, 1:54 Records requests, 1:53 Statement of damages, 1:49 Successor-in-interest declaration, 1:50 Case Selection Checklist of considerations, 1:3 Causation Damages (this index) Client Meetings Generally, 1:33 to 1:42 Attendance, 1:35 Client signup, 1:42 Expected recovery, 1:40 Fee agreement, 1:41
See Common Care Staff Roles, above, 8:16 memory care units, 8:8 multi-level care campuses, 8:16 six-packs, 8:6 traditional ALFs, 8:7 Residential Care Facility for the Elderly (RCFE), 8:4 State regulation, 8:17 to 8:28 licensing agency, 8:18 Terminology, 8:4 Unique aspects/challenges, 8:31 to 8:36 acuity and fee rate, 8:33 medical injury compensation reform act (MICRA), 8:34 memory care, 8:36 point systems, 8:33 suitability of residents, 8:35	Liens, 1:52 Preservation letter, 1:46 Protocols, 1:44, 1:45 Publicly available documents, 1:54 Records requests, 1:53 Statement of damages, 1:49 Successor-in-interest declaration, 1:50 Case Selection Checklist of considerations, 1:3 Causation Damages (this index) Client Meetings Generally, 1:33 to 1:42 Attendance, 1:35 Client signup, 1:42 Expected recovery, 1:40

Client Meetings (Cont'd) Common Fact Patterns (Cont'd) Trial, 1:39 evaluating foreseeability of aggression, 9:208, 9:209 **Common Defenses** incident reporting and response, Generally, 9:248 to 9:254 9:204 Assault and battery, 9:206 perpetrators, 9:192 Changes of condition, 9:305 to 9:310 prevention and interventions, 9:196 change was unpredictable or reasonable preventative measures, inevitable, 9:306 9:213 comorbidities, 9:313 resident assessments, 9:197 complex medical issue, 9:309 resident-on-resident, 9:194 documentation error, 9:317 resident placement and grouping, hearsay evidence of comorbidities, 9:203 9:314 staff-on-resident, 9:193 mandated reporter laws, 9:321 staff training, 9:214 physician supervised care, 9:315 staff training and education, 9:198, poor behavior of resident or family, sudden and unexpected, 9:211 resident non-compliance or refusals, supervision and monitoring, 9:200. 9:318 9:215 resident or family declined further the role of cognitive decline or medical intervention, 9:308 impairment, 9:212 responses, 9:311 to 9:320 third parties, 9:195 staff responded appropriately, 9:307 unavoidable incident, 9:210 suspicion of abuse not reported to unforeseeable aggression, 9:207 authorities, 9:320 Changes of condition, 9:297 to 9:310 third party negligence, 9:316 common defenses, 9:305 to 9:310 Choking and aspiration pneumonia, change was unpredictable or 9:269 to 274 inevitable, 9:306 caused by underlying medical comorbidities, 9:313 condition, 9:273 complex medical issue, 9:309 facility followed care plan, 9:272 documentation error, 9:317 resident or family refused hearsay evidence of comorbidities, interventions, 9:274 9:314 unforeseeable, 9:270, 9:271 mandated reporter laws, 9:321 Dehydration and malnutrition, 9:150 physician supervised care, 9:315 Elopement and wandering, 9:231 to poor behavior of resident or family, 9:319 Falls, 9:119 resident non-compliance or Fecal impaction, 9:292 refusals, 9:318 Infections, 9:280 resident or family declined further Informed consent was obtained, 9:251 medical intervention, 9:308 Less restrictive alternatives were responses, 9:311 to 9:320 ineffective or unavailable, 9:252 staff responded appropriately, Physician ordered and monitored 9:307 restraints, 9:250 suspicion of abuse not reported to Pressure injuries, 9:70 authorities, 9:320 Resident8217s behavior presented third party negligence, 9:316 immediate risk, 9:253 importance of timely response, 9:299 Restraints were clinically necessary, proper assessment, 9:300 9:249 proper documentation and **Common Fact Patterns** monitoring, 9:303 Generally, 9:1 et.seq., 9:22 proper reporting and notifications, Assault and battery, 9:190 to 9:215 9:302 behavioral interventions, 9:201 proper root cause analysis, 9:304 care plans, 9:197 scope of practice, 9:301 Chemical and physical restraints, 9:236 common defenses, 9:206 to 254 engagement with mental health professionals, 9:205 alternative interventions, 9:247 environmental controls, 9:202 chemical restraints, 9:241

Common Fact Patterns (Cont'd)	Common Fact Patterns (Cont'd)
common types of medications in	nursing homes
chemical restraint cases, 9:242 legal and ethical issues, 9:243	nutritional interventions, 9:137 palatable food and fluids, 9:145,
legal considerations, 9:240	9:146
PRN medications, 9:244	persons most at risk, 9:129
risks and consequences of restraints,	prevention and interventions, 9:136
9:246	providing quality, 9:145
understaffing and chemical restraint cases, 9:245	relevant laboratory results, 9:148
use in facilities, 9:239	residents with
Choking and aspiration pneumonia	chronic illnesses, 9:135 elderly, 9:134
aspiration precautions, 9:265	medications, 9:133
common defenses, 9:269 to 274	physical disabilities, 9:132
caused by underlying medical	swallowing disorders (Dysphagia),
condition, 9:273 facility followed care plan, 9:272	9:131
resident or family refused	restorative feeding assistance, 9:142
interventions, 9:274	special diets, 9:144 swallow evaluations, 9:139, 9:140
unforeseeable, 9:270, 9:271	treatment, 9:149
dietary modifications, 9:261	unavoidable due to resident's
emergency response preparedness, 9:268	medical condition, 9:151
highest risk individuals, 9:258	weight loss due to diuretics, 9:155, 9:156
medication review, 9:266	Elopement and wandering, 9:216 to
oral care, 9:267	9:235
prevention and interventions, 9:259	assessing risk, 9:220
proper positioning, 9:264	common defenses, 9:231 to 235
supervised eating, 9:263 swallowing assessments, 9:260	contacting law enforcement and emergency services, 9:227
types of textured food diets, 9:262	examples of specific interventions,
Common defenses, 9:248 to 9:254	9:222
choking and aspiration pneumonia, 9:269 to 274	importance of immediate response, 9:224
informed consent was obtained,	initiating facility-wide search, 9:226
9:251	notifying family members, 9:228
less restrictive alternatives were ineffective or unavailable, 9:252	persons at risk, 9:218 post-elopement protocol, 9:229,
physician ordered and monitored	9:230
restraints, 9:250	prevention and interventions, 9:219
resident8217s behavior presented immediate risk, 9:253	prompt activation of alarm systems, 9:225
restraints were clinically necessary, 9:249	supervision and security measures, 9:221
Dehydration and malnutrition, 9:124 to 9:156	transfer to higher-level facility, 9:223 Falls, 9:77 to 9:123
assessing underlying medical	alarms, 9:96, 9:97
conditions properly, 9:152 caregiver queuing and prompting,	assessing residents, 9:89
9:141	at risk individuals, 9:79
caused by Alzheimer, 9:153	bed rails, 9:99 to 9101
clear neglect, 9:128	bedside mats, 9:93
cognitively impaired residents, 9:130	care plan modification, 9:114 care plan review, 9:114
common defenses, 9:150	cognitive assessments, 9:86
dietician evaluations, 9:138	common defenses, 9:119
important signs and symptoms, 9:147	communication, 9:115
interventions are still necessary, 9:154	comprehensive risk assessment, 9:83
monitoring fluid and nutrition intake,	defense argument, 9:117
9:143	documentation, 9:115

[C]

Common Fact Patterns (Cont'd) elements, 9:84	Common Fact Patterns (Cont'd) prevention and interventions, 9:279
environmental assessments, 9:87 environmental modifications, 9:94	Pressure injuries, 9:4 to 9:76 advanced wound care technologies
exercise programs, 9:104	9:69
extrinsic risk factors, 9:81	assessing risk, 9:33 to 9:38
foot care and podiatry services,	braden scale, 9:35
9:106	norton scale, 9:36
hearing assessments, 9:105	skin scale, 9:37
hydration management, 9:107	avoiding friction and shear, 9:53 bony prominence, 9:24
immediate assessment, 9:110 immediate care, 9:110	checking pedal pulses, 9:54, 9:55
increased supervision, 9:102	common defenses, 9:70
intrinsic risk factors, 9:80	contesting, 9:75
lack of causation, 9:122	debridement, 9:67
lowering bed height, 9:91	deep tissue pressure injury, 9:21
medical evaluation and treatment,	dressing application, 9:62
9:111	education and training, 9:56
medical history review, 9:85	elderly persons, 9:27
medication review, 9:103 met standard of care, 9:123	erythema, 9:16
mobilization, 9:90	full-thickness skin loss, 9:18 tissue loss, 9:19
non-slip footwear, 9:92	higher level of care, 9:60
nutrition management, 9:107	high risk individuals, 9:25
other interventions, 9:108	incontinence management, 9:49,
people fall naturally, 9:120	9:50
physical assessments, 9:86	individuals with
plaintiffs' argument, 9:118	chronic conditions, 9:28
post-fall monitoring, 9:112 prevention and interventions, 9:82	history, 9:32 limited mobility, 9:26
regular monitoring, 9:88	poor nutrition or hydration, 9:30
root cause analysis, 9:113	infection control, 9:64
single fall cases, 9:116	laboratory tests, 9:63
toileting and toileting plans, 9:98	mattresses and support surfaces,
treatment, 9:109	9:44
unavoidable due to clinical condition, 9:121	medical records, terminology, 9:23 national pressure injury advisory panel, 9:9
use of pendents and wristbands, 9:95	normal layers of skin, 9:14
vision assessments, 9:105	nutritional support, 9:48, 9:66
Fecal impaction, 9:288 to 9:296	obscured full-thickness skin
at risk persons, 9:290	tissue loss, 9:20
common defenses, 9:292	optimizing mobility, 9:51, 9:52
other defenses, 9:296	other surgical interventions, 9:68
prevention and interventions, 9:291	other wound types, 9:76
staff provided appropriate care, 9:295	pain management, 9:65 partial-thickness skin loss with
unavoidable, 9:293, 9:294	exposed dermis, 9:17
Infections, 9:275 to 9:287	people with
adequate infection control measures, 9:284, 9:285	cognitive impairments, 9:31 incontinence, 9:29
appropriate staff response, 9:287	pre-existing, 9:71
common defenses, 9:280	medical conditions, 9:72
common types, 9:278	unavoidable, 9:73, 9:74 prevention and interventions, 9:39
infection originated outside facility, 9:281, 9:282	protective devices, 9:42, 9:43
infection was not primary cause of harm, 9:286	recklessness finding failure to provide needed
infection was unavoidable due to	interventions, 9:57, 9:58
resident8217s health, 9:283	regular repositioning, 9:40

Common Fact Patterns (Cont'd) repositioning program, 9:41 skin care, 9:47 skin inspections, 9:45, 9:46	Conspiracy (Cont'd) defendants, conspiring, 11:32 overview, 11:30 wrongful act, 11:31
staging, 9:13 treatment, 9:59 turning program, 9:41 wound cleaning, 9:61 Sexual abuse, 9:157 to 9:189	Consumers Legal Remedies Act (CLRA) Financial Abuse standards of proof, 13:18
accountability, 9:167 Alzheimer patients, 9:187 to 9:189 at risk persons, 9:161 civil case, elements, 9:160	Corporate Defendants Custody, 3:63 Extraction of cash from Defendant facility, 5:30
cognitively impaired residents, 9:183 common defense, 9:178 to 9:189 circumstantial evidence, 9:181 clear and convincing evidence,	Corporate entities Relation back underlying claims, 11:11
9:180 direct evidence, 9:179 consent, 9:182 environmental controls, 9:166 failing to investigate, 9:171 failure to act, 9:168 incident reporting and response, 9:165 intimate relationships prohibited, 9:186 investigative files, 9:175 to 9:177 known behavioral issues, 9:169 mental capacity, 9:184 police investigations, 9:172 to 9:174 prevention and interventions, 9:162 protection from manipulation, 9:185 resident-on resident abuse, 9:169 resident supervision and care planning, 9:164 staff misconduct, 9:170 staff screening and training, 9:163 Communications and Electronically Stored Information (ESI)	Corporate liability Generally, 11:1 to 11:44 Agency generally, 11:33 to 11:35 overview, 11:34 right to control agents' conduct, 11:35 Aider and Abettor Liability generally, 11:25 to 11:28 aiding and abetting defendants, 11:28 overview, 11:26 specific knowledge, 11:27 Alter ego generally, 11:38 to 11:44 associated vendor factors arms' length relationships among entities, 11:41 assets treatment by individual, 11:41 commingling of funds, 11:41 concealment and misrepresentation, 11:41 debts liability, personal, 11:41
Evidence, 10:25 Concealment	director and officer ownership, 11:41
Elder abuse litigation generally, 12:22 to 12:24 basic element, 12:23 confidential or fiduciary relationships, 12:24 duty to disclose, 12:24	equitable ownership, 11:41 financial interest, 11:41 governing law, 11:41 identification, 11:41 issue stock, authority, 11:41 labor services procurement, 11:41
Confidentiality of Medical Information Act (CMIA) Pre-trial discovery medical negligence, 10:43	legal formalities, disregard, 11:41 meeting minutes, 11:41 personal liability, 11:41 responsible ownership and management, 11:41
confidential settlement agreement Mediation, 18:57	sole ownership, 11:41 undercapitalization, 11:41 before or after liability phase trial,
Conspiracy Corporate liability generally, 11:29 to 11:32	11:43 court determination, 11:42 governing law

[C]

Corporate liability (Cont'd) associated vendor factors, 11:41	Corporate liability (Cont'd) operational control
identity recognition, 11:40	generally, 10:94
separate personality, 11:40	Relevant evidence
unity of interest and ownership,	generally, 10:93
11:40	supervision of facility
overview, 11:39	employees/directors, 10:96
trial, 11:44	Theories of Corporate Liability
Complaint, entities included, 11:10 Conspiracy	generally, 10:93 Statute of Limitations, 11:11
generally, 11:29 to 11:32	Theories of liability
defendants, conspiring, 11:32	generally, 11:12 to 11:17
overview, 11:30	allegation for discovery, 11:37
wrongful act, 11:31	care or custody, 11:15
Document production request, 11:9	direct liability, 11:14
Elder Abuse Act, 11:3	overview, 11:13
Enterprise understanding	practice pointer, 11:16
corporate structure, 11:4	reckless neglect causing harm:,
discovery timing, 11:5	11:17
elder abuse litigation, 11:2	Corporate Overseers
Person Most Qualified (PMQ) depositions, 11:6	Custody, 3:59
Establishment, 11:3	Managing agent, 6:16
Insolvent defendant, 11:3	RMOF Element, 5:83
Insurance, availability, 11:3	Corporate structure
Joint venture	Enterprise understanding, 11:4
generally, 11:18 to 11:24	Enterprise understanding, 11.4
agreement to share profits and	Covenant Care Inc. v. Superior Court
losses, 11:23	Aftermath, 2:18
control over business	MICRA, 2:11 to 2:13
two entities combination, 11:22	Custodial Neglect
overview, 11:19	Elopements, 2:24
ownership interest two entities combination, 11:21	Failure to prevent pressure sores, 2:21
potential defense arguments, 11:24	Falls, 2:22
single business undertaking	MICRA, 2:20
two entities combination, 11:20	Patent change, 2:23
Multiple entities, 11:8	Physical or sexual abuse, 2:25
Overview, 11:1	Custody
Patients8217 bill of rights	Analysis, 3:10
health & safety code § 1430(b)	Basic needs, 3:11 to 3:12
corporate overseer liability, 12:37	Care custodian, 3:8
Practice pointer, 11:7	Care or custody inquiry, 3:28
Pre-trial discovery, defendant	Construction of the Act, 3:68
generally, 10:91 to 10:102	Corporate defendants, 3:63
accounting records, access to, 10:95	Corporate liability, 3:65, 3:67
Common corporate organization,	Corporate overseers, 3:59
10:92	Custodial relationship, 3:13, 3:25
communications, 10:100 contracts, policies and procedures,	Custodial relationship, Residential care, 3:29
10:101	Definition, 3:2 to 3:9
facility information, access to, 10:94	Definition, Elder, 3:5
form, 10:102	Definitions, 3:26
health records, access to, 10:95	casual, 3:26
intra-company dashboard, 10:95	circumscribed, 3:26
management agreements	episodic, 3:26
generally, 10:97 to 10:99	intermittent, 3:26
parties and negotiations, 10:99	limited, 3:26
services, 10:98	Dependent adult, 3:3, 3:4

O (O =)	Overtedy and Overtedial Newland
Custody (Cont'd)	Custody and Custodial Neglect
Direct liability, 3:62	(Cont'd)
Elder abuse, Generally, 3:1 to 3:69	Oroville Hospital v. Superior Court, 3:39 to 3:48
Extent of contacts, 3:14	
Imposing corporate liability, 3:61	Outpatient services, 3:64
Indirect liability, 3:60	Patent change, 2:23
Kruthanooch v. Glendale Adventist	Physical abuse, 3:9
Medical Center, 3:49 to 3:55	Physical or sexual abuse, 2:25
no robust relationship, 3:56	Post-Winn cases, 3:31
Neglect, 3:7	Resident's independence, 3:58
Non-Residential, 3:30	Robust relationship, 3:27
Oroville Hospital v. Superior Court,	Root cause of the neglect, 3:69
3:39 to 3:48	Stewart v. Superior Court, 3:32 to 3:38
Outpatient services, 3:64	Theory of neglect, Basic needs, 3:57
Physical abuse, 3:9	Winn v. Pioneer Medical Group, 3:15 to
Post-Winn cases, 3:31	3:24
Resident's independence, 3:58	
Robust relationship, 3:27	- D -
Root cause of the neglect, 3:69	_
Stewart v. Superior Court, 3:32 to 3:38	Damages
Theory of neglect, Basic needs, 3:57	Amendments, 7:38
Winn v. Pioneer Medical Group, 3:15 to	Amount of compensatory damages,
3:24	7:96
0.2 .	Amputations, 7:58
Custody and Custodial Neglect	Aspect of suffering, 7:35
Analysis, 3:10	Attorney fees, 7:88
Basic needs, 3:11 to 3:12	Before and after comparisons, 7:72
Care custodian, 3:8	Calculating past medical specials, 7:27
Care or custody inquiry, 3:28	Categories of non-economic harm,
Construction of the Act, 3:68	7:36
Corporate defendants, 3:63	Causation, 7:1 to 7:96
Corporate liability, 3:65, 3:67	Causation of death, 7:7
Corporate overseers, 3:59	Chronic nature, 7:48
Custodial relationship, 3:13, 3:25	Collateral source rule, 7:25
Custodial relationship, Residential care,	Comorbidities, 7:11
3:29	Contributing factor, 7:6
	Death, 7:67
Definition, 3:2 to 3:9	
Definition, Elder, 3:5	Death certificate, 7:17
Definitions, 3:26	reliability and admissibility, 7:18
casual, 3:26	Deep tissue injuries, 7:21
circumscribed, 3:26	Dehydration, 7:75
episodic, 3:26	Dehydration and malnutrition, 7:74
intermittent, 3:26	Dementia and Alzheimer patients, 7:77
limited, 3:26	Diligence, 7:42
Dependent adult, 3:3, 3:4	Discomfort, Physician and
Direct liability, 3:62	psychological, 7:56
Elder abuse, Generally, 3:1 to 3:69	Economic, 7:84
Elopements, 2:24	Elder abuse, 1:14
	Emotional and physical consequences,
Extent of contacts, 3:14	7:60
Failure to prevent pressure sores, 2:21	Emotional and physical suffering, 7:76
Falls, 2:22	Emotional toll on family, 7:69
Imposing corporate liability, 3:61	Enhanced remedies, 7:3
Indirect liability, 3:60	Entitlement of victim plaintiff, 7:23
Kruthanooch v. Glendale Adventist	Expert opinion, 7:14
Medical Center, 3:49 to 3:55	Expert testimony, 7:33
no robust relationship, 3:56	Fall injuries, 7:79
MICRA, 2:20	Fatal progression, 7:68
Neglect, 3:7	Future health complications, 7:64
Non-Residential, 3:30	Future medical specials, 7:30

Damages (Cont'd) Damages (Cont'd) Future pain and suffering, 7:41 Unusually susceptible plaintiff, 7:10 Generally, 7:22 Venue, 1:32 Increased debility, 7:20 Visual evidence, 7:70 Indignity and psychological trauma, Wound VAC, 7:57 Wound vacuum, 7:55 Infected wounds odor, 7:52 Wound vacuums and medical Insurer payments, 7:26 interventions, 7:54 Issues of Causation, 7:16 Wrongful death damages, 7:82 Wrongful death finding, 7:19 Laffey matrix, 7:92 Layperson testimony, 7:15 **Defendants** Life care plans, 7:33 Case opening, 1:43 Life expectancy, 7:86 Case opening protocol, Identification, Lived experience, 7:45 1:55 Lodestar, Reasonableness of hourly Considerations, 1:27 rates, 7:91 Corporate defendants, 3:63 Lodestar, Reasonableness of time Corporate defendants (this index) spent, 7:90 Criminal conduct, 5:88 Lodestar and multiplier, 7:89 Defendant's facility, medical chart, Long term disability, 7:66 16:43 Loss of consortium, 7:87 Defendant's policies and procedures, Loss of independence and emotional harm, 7:81 Educating and managing, 18:8 Malodorous wounds, 7:53 Employees, Source of proof of failure, Medical necessity, 7:59 4:31 Multiple causes of plaintiff's Enterprise valuation, 1:28 harm/death, 7:9 Final trial preparation, 16:47 Multiplier, Examples, 7:94 Finances, 16:75 Multiplier, Factors, 7:93 Judgment worthiness, 1:29 Non-economic, 7:83 Living Plaintiff, heir defendants, 1:26 Pain and suffering, Full spectrum, 7:44 Motion in limine, 16:59 Pain and suffering fact patterns, 7:43 Reputational issues, 1:30 Past medical specials, 7:24 Testimony of defendant's employee, Past pain and suffering, 7:34 4:17 Perlin v. Fountain View Management Inc. 7:4 **Dehydration and Malnutrition** Photographic evidence, 7:71 Generally, 9:124 to 9:156 Physical pain, 7:47 Assessing underlying medical Physical pain and ongoing disability, conditions properly, 9:152 Caregiver queuing and prompting, Pre-death pain and suffering, 7:37 9:141 Preparation of summary documents, Caused by Alzheimer, 9:153 7:29 Clear neglect, 9:128 Pressure injuries, 7:46 Cognitively impaired residents, 9:130 Prohibited considerations, 7:85 Common defenses, 9:150 Proving harm/death, 7:12 Dietician evaluations, 9:138 Proving past medical specials, 7:28 Important signs and symptoms, 9:147 Punitive, 7:95, 16:69 Interventions are still necessary, 9:154 Punitive damages award, 7:73 Monitoring fluid and nutrition intake, Quantum of harm, 7:5, 7:8 9:143 Nursing homes Quantum of proof, 7:13 nutritional interventions, 9:137 Reasonable cost of future care, 7:32 Palatable food and fluids, 9:145, 9:146 Reasonable necessity of future care, 7:31 Persons most at risk, 9:129 Prevention and interventions, 9:136 Remedies for simple neglect, 7:40 Providing quality, 9:145 Risk of infection, 7:65 Relevant laboratory results, 9:148 Severe complications, 7:78 Residents with Statement, Case opening protocol, chronic illnesses, 9:135 Uncapped pre death pain, 7:39 elderly, 9:134

Dehydration and Malnutrition (Cont'd) medications, 9:133 physical disabilities, 9:132 swallowing disorders (Dysphagia), 9:131 Restorative feeding assistance, 9:142 Special diets, 9:144 Swallow evaluations, 9:139, 9:140 Treatment, 9:149 Unavoidable due to resident's medical condition, 9:151 Weight loss due to diuretics, 9:155, 9:156	Elder Abuse (Cont'd) Dependent adult, 3:3, 3:4 Evaluation, Financial elder abuse cases, 18:40 Financial abuse, 3:6 Financial elder abuse, 16:91 Heightened remedies on settlement values, 18:41 Issues of causation, 7:16 Legislative history, 2:15 Litigation, 1:2 MICRA, 2:4 Motions in limine, 16:49, 16:77
Delaney v. Baker	Notable jury instructions, 16:83
Aftermath, 2:18 MICRA, 2:5 to 2:10 MICRA, 2:5 to 2:10	Past precedent, 2:17 Potential plaintiff motions in limine, 16:50 Professional negligence, the difference, 1:21
Depositions	Purpose of the Act, 3:66
Care provider testimony current employees, 10:37 defendant facility care provider, 10:35	RMOF element (this index) Skilled nursing facilities, 8:71 Statutory purposes, 2:16
former employees, 10:36	Elder Abuse Act
practice pointer, 10:38	Corporate liability, 11:3
Corporate liability, enterprise understanding Person Most Qualified (PMQ) depositions, 11:6	Elder Abuse Litigation Generally, 12:1 to 12:80 Generally, 17:1 to 17:162
Third-party deposition	juror questionnaires, 17:21 to 17:25
medical negligence case, 10:39	benefits, 17:23
Discovery	processing and reviewing, 17:25
Pre-trial discovery (this index)	topics, 17:24
Rule	jury selection, 17:9 to 17:25
Statute of Limitations, 1:18	testimony organization, 17:84
Discours Duly	Act, Plain language, 2:14
Discovery Rule	Alleging punitive damages, Not applicable, 2:13
Statute of Limitations, 1:18	Alter ego, 17:145
- E-	Argument improper, 17:56, 17:60, 17:61
Earnings Withholding Order	Care or custody, 3:1
Financial abuse	Causation and injuries, 17:70
enforce judgment for	Closing argument, 17:110
elder/dependent adult, 13:54	generally, 17:131 to 17:143 beginning and ending, powerful,
Effective date	17:141
Electronic Health Record (EHR) Pre-trial discovery, 10:10	damages, focus on, 17:139 evidence admitted for limited purpose, 17:119
Elder Abuse	exhibits, reference to jury, 17:137
Generally, 1:1 to 1:61	governing law, 17:111
Act, Plain language, 2:14	jury instructions precede, 17:113
Alleging punitive damages, Not	misstating evidence or law, 17:120
applicable, 2:13	no mandatory minimum time, 17:115
Care or custody, 3:1	no personal attacks, 17:121
Common fact patterns, 2:19	no reference to excluded matters.
Damages, 1:14	17:118
Defendants, legal representation, 1:2 Definition of elder, 3:5	opponent8217s failure to address evidence, 17:117

Elder Abuse Litigation (Cont'd)	Elder Abuse Litigation (Cont'd)
organization, 17:133	Financial abuse, 3:6
organizational charts, 17:138	Fraud and misrepresentation claims
plaintiff8217s right to rebuttal, 17:114	generally, 12:7 to 12:21
preparation, throughout trial, 17:132	affirmative misrepresentation, not
pre-plan rebuttal closing, 17:142	required, 12:12
reviewing court on appeal	basic elements, 12:9
consideration of arguments,	constructive fraud, 12:8
17:143	fiduciary relationship and status
right to present in civil jury trials,	generally, 12:10
17:112	care facilities, 12:11
show key jury instructions, 17:136	fraudulent intent, not required, 12:13
specify verdict and damages sought,	intentional and negligent
17:140	misrepresentation
varying presentation, jurys' attention, 17:134	generally, 12:15 to 12:20
verdict form, 17:135	allegation, 12:20
wide latitude about what and how to	basic elements, 12:16
argue, 17:116	cause of action, 12:20
witness headshots, 17:138	misrepresentation, 12:17, 12:18
Common fact patterns, 2:19	nondisclosure of material facts or information, 12:12, 12:14
Community impact, improper to argue,	possession of information by
17:125	defendant, 12:19
Damages, 1:14	practice pointer, 12:21
Deadlocked juries	General observations, 17:47
generally, 17:152 to 17:156	Golden rule arguments, 17:123
availability during deliberation,	Improper argument
17:156	generally, 17:126 to 17:130
exhibits, timely taken to jury room,	curative measure, 17:128
17:155	practice pointer, 17:130
misconduct by juror, 17:153	preservation for appeal, 17:129
other tips, 17:154	timing, 17:127
Defendants	Improper law, 17:58
case-in-chief	Inadmissible evidence, opening door,
generally, 17:108 witnesses re-calling, 17:109	17:62
opening statements	Initial attention-grabbing description,
overview, 17:77	17:65
plaintiff8217s medical conditions,	Introducing
17:78	defendant, 17:67
Definition of elder, 3:5	victim plaintiff, 17:66 Introduction, 12:1
Dependent adult, 3:3, 3:4	Jurors
Emotional distress	discharge during trial or
generally, 12:47 to 12:58	deliberations, 17:45
basic elements, 12:48, 12:51	Jury deliberations
bird, 12:54	generally, 17:146 to 17:156
contemporary awareness	rule of law
requirement, 12:52	generally, 17:147 to 17:151
defined intention, 12:49	agreement on each question,
downey, 12:56	17:149
intentional infliction, 12:47 to 12:49	deliberate damages, 17:150
keys, 12:55	non-agreeing jurors, 17:150
negligent infliction, 12:50 to 12:57	replacement of jurors, 17:151
ochoa, 12:53	requests for information, 17:148
serious mental distress, 12:58	Jury selection
virtual presence, 12:57	alternate jurors, selection manner,
Exhibits	17:13
complication, 17:106	hardships on juror panel size, 17:18
hearsay objection, 17:105	number of challenges, 17:16
objection, 17:104	number of jurors, 17:12

Elder Abuse Litigation (Cont'd)	Elder Abuse Litigation (Cont'd)
peremptory challenges, 17:15	attributing harm, 17:78
alternate Jurors, 17:17	purpose, 17:50
practice pointer, 17:14, 17:19	statutory right, 17:49
pre-trial conference matters, 17:20	Overview, 17:1
voir dire, procedures, 17:11	Past precedent, 2:17
Jury verdicts	Patients8217 bill of rights
generally, 17:157 to 17:162	health & safety code § 1430(b)
entry of judgment, 17:161	generally, 12:25 to 12:37
forms, 17:158	corporate overseer liability, 12:37
irregularities, 17:159	federal regulation, 12:30
poll, 17:160	free from discrimination, 12:29
practice pointer, 17:162	incorporation of rights, 12:30
Legislative history, 2:15	injunctive relief, 12:32
Loss of consortium	introduction, 12:26
generally, 12:73 to 12:76	legislative intent, 12:27
elements, 12:75	monetary cap, 12:31
harm to primary victim, wrongful	practice pointer, 12:33
conduct, 12:75	skilled nursing facilities, limited to,
introduction, 12:74	12:35
practice pointer, 12:76	state regulation, 12:30
relationship harm, 12:75	statute of limitations, 12:36
spousal relationship, 12:75	statutory damages, 12:31
Malicious oppressive and fraudulent conduct, 17:71	statutory text, 12:28
Medical malpractice	violation, 12:25 to 12:37 Penal code, 12:41, 12:42
generally, 12:77 to 12:80	Plaintiffs
basic elements, 12:78	case-in-chief, 17:81
high past and future medical	defense examination of witnesses,
specials, exception, 12:80	17:97
practice pointer, 12:79	examination, 17:94
Motion in limine, 17:2	Powerpoint and other visuals, 17:74
arguments, 17:4	Practice pointer, 17:55, 17:57, 17:59
enforcement, 17:7	opening statement, 17:64
practice pointer, 17:6	Premises liability
renewal, 17:8	generally, 12:38 to 12:40
rulings, 17:5	landlord implicated, 12:40
Neglect, 17:69	Professional negligence, the difference
Negligence	1:21
custodial	Profits over patient care/corporate liability, 17:72
generally, 12:2 to 12:6	Punitive damages, 17:144
injury, 12:4 introduction, 12:3	Purpose of the Act, 3:66
suffering damages, 12:5	RMOF element (this index)
uncapped pre-death pain, 12:5	Roadmap, 17:68
victims of abuse, 12:4	Statutory purposes, 2:16
willful acts, 12:4	Suffering damages
	custodial negligence, 12:5
Opening statements, 17:46 allowed time, 17:51	Medical Injury Compensation Reform
contentions of neglect, recklessness,	Act of 1975 (MICRA), 12:6
causation, damages and/or	professional negligence, 12:6
corporate liability, 17:80	Uncapped pre-death pain
excluded Matters, 17:52	custodial negligence, 12:5
good faith belief, evidence, 17:54	Medical Injury Compensation Reform Act of 1975 (MICRA), 12:6
improper excluded Matters, 17:53	professional negligence, 12:6
law governing, 17:48	Unfair business practice
not evidence, 17:52	generally, 12:43 to 12:46
organizing, 17:73	advertising, not limited to, 12:45
plaintiff8217s family members	remedies, limited, 12:46

Elder Abuse Litigation (Cont'd) Videotaped deposition clips, photographs, 17:63 Videotaped deposition testimony, 17:75 Witnesses generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86 retained experts, 17:87 subject matters among similarly,	Emotional distress (Cont'd) Contemporary awareness requirement, 12:52 Defined intention, 12:49 Downey, 12:56 Intentional infliction, 12:47 to 12:49 Keys, 12:55 Negligent infliction, 12:50 to 12:57 Ochoa, 12:53 Serious mental distress, 12:58 Virtual presence, 12:57 End-of-Shift Reports Pre-trial discovery critical shift neglects, 10:31 to 10:33 plaintiff communication, 10:31 to
17:91 testimony organization, 17:83 understand and enforce evid. code § 776, 17:89	10:33 unique identifier number, 10:31 to 10:33
exhibits, 17:98	Fyidence
foundation and publication, 17:101 marked organization, 17:99 moving into evidence, 17:102 practice pointer, 17:103 redacting, 17:100 retained expert examination, 17:95 videotaped deposition testimony, 17:96 Wrongful death generally, 12:59 to 12:72 allocation, 12:70 degree of harm, 12:65, 12:66 harm to primary victim, wrongful conduct, 12:64 introduction, 12:60 joint representation, 12:69	Evidence Communications and Electronically Stored Information (ESI), 10:25 Documents Evidencing Acuity, 10:56 to 10:64 Numerical Staffing, 10:46 to 10:55 Elder abuse action document discovery, 10:7 Elder abuse litigation inadmissible evidence, opening door, 17:62 Financial abuse statutory financial abuse, 13:3 Pre-trial discovery job descriptions, 10:26 policies and Procedures, 10:26
MICRA provisions, applicability of,	Exhibits Marshalling evidence (this index)
12:71 naming and serving heir-defendants,	- F-
12:71	·
non-economic damages and economic damages, recovery, 12:61 practice pointer, 12:68 proof, 12:62 quality of relationship, 12:67 standing, 12:63	Final Trial Preparation Aggravation of preexisting condition or disability, 16:95 Aiding and abetting, 16:94 California practice guide, 16:99 Careful review, 16:89 Case motions in limine, 16:76
	Constructive fraud, 16:93
Elderly Plaintiffs	Defendants' finances, 16:75
Cause of action, Overview, 1:57	Elder abuse
Special issues, Generally, 1:56 to 1:61	generally, 16:1 to 16:100
Electronically Stored Information (ESI)	Elder abuse litigation, 16:77
Communications and Electronically Stored Information (ESI) (this index)	Exclude expert testimony, 16:52 Facility's conduct, 16:71 Identifying candidates, 16:90
Emotional distress	Impeaching witnesses, 16:58
Generally, 12:47 to 12:58	Inadmissible hearsay, 16:54
Basic elements, 12:48, 12:51	Jury instructions, 16:81
Bird. 12:54	Leading guestions, 16:56

Final Trial Preparation (Cont'd) Listing special findings, 16:102 Mandatory reporting, 16:57	Financial Abuse (Cont'd) self-help action by or on behalf of elder without court process,
MILs, Experts, 16:78	13:35
Motions in limine, 16:48	practice pointer, 13:42
Motions in limine, Defendant's, 16:59	provisional remedy of attachment
Motions in limine, Potential defense,	generally, 13:36 to 13:44 availability, 13:43
16:67	business or trade actions, 13:39
Multiple legal theories, 16:97 Non pattern instructions, 16:98	contract actions, 13:39
Notice evidence, 16:61	definition, 13:37
Notice to appear, 16:51	ex parte application or motion,
Opening statements, 16:74	13:40
Order of proof, 16:63	Fraudulent Transfer Act, 13:44
Order of proof, Notice evidence, 16:64 Other MILs, 16:79	property subject of attachment, 13:38
Plaintiff's burden of proof, 16:60	protective orders, temporary, 13:41
Potential for unfair prejudice, 16:62	securing and recovery
Prior lawsuits, 16:68	generally, 13:32 to 13:53
Punitive damages, 16:69	methods of securing
Rebuttal testimony, 16:53	misappropriated personal
Regulatory findings, 16:66, 16:70	property, 13:34 to 13:49
Retained experts precluded, 16:72	urgency, 13:33
recklessness, oppression, fraud and	Protective order
malice, 16:73	Welfare and institutions Code, 13:49
Sample motion, 16:65	Restraining order
Securing witnesses, 16:6 to 16:10	temporary, 13:47 Securing real property
Special verdict forms, 16:101	generally, 13:50 to 13:53
Submission, 16:82	attachment of defendants interest,
Substantive evidence, 16:92	13:50, 13:51
Susceptible plaintiff, 16:96	les pendens, 13:53
Third party liability, 16:55	practice pointer, 13:52
Topics to cover, Defendants, 16:47	Specific property
Topics to cover, Plaintiffs, 16:46	generally, 13:20 to 13:22
Trial briefs, 16:44	Fraudulent Transfer Act, claim, 13:21
Trial briefs as part of the filings, 16:45 Verdict forms, 16:100	quick action essential, 13:22
verdict forms, 10.100	Standards of proof
Financial abuse	generally, 13:8 to 13:14
Elder Abuse, 3:6	attorney fees and costs, 13:9
Financial Abuse	class action, 13:19
Financial Abuse	compensatory damages, 13:9
Generally, 13:1 to 13:54 Conveyance Actions	Consumers Legal Remedies Act (CLRA), 13:18
receivers, 13:45	general damages, pain and suffering
Earnings Withholding Order	after death, 13:11
enforce judgment for	incompetent victim, 13:13
elder/dependent adult, 13:54	litigation in civil actions, 13:17
Elder abuse, 3:6	practice pointer, 13:10, 13:12, 13:14
Introduction, 13:1	probate code, 13:16
Practice pointer, 13:48	remedies provided by law, 13:9
Preliminary injunction, 13:47	typical theories, 13:15
Property pending judgment	Statutory financial abuse
methods of securing misappropriated	generally, 13:2 to 13:7
personal property	conclusive presumption, 13:5
generally, 13:34 to 13:49	defined, 13:3
abatement of nuisance, 13:35	evidence, 13:3
claim of right, 13:35	harmful breach, 13:3
provisional remedy of attachment,	personal property, defined, 13:4
13:36 to 13:44	practice pointer, 13:7

Financial Abuse (Cont'd) General Acute Care Hospitals (GACHs) retained property, wrongful use, 13:3 (Cont'd) patient rights, 8:127 taken, defined, 13:6 physical environment, 8:126 wrongful use, retained property, 13:3 Typical fact pattern staffing requirements, 8:123 Federal regulation, 8:118 to 8:127 generally, 13:23 to 13:31 accountant misconduct, 13:26 deemed status, 8:120 federal oversight by California state caregiver theft, 13:25 family theft, 13:24 surveyors, 8:119 Litigation involving general acute care hospitals, 8:128 to 8:135 financial institution, 13:27 insurance and annuity salesperson, complex medical conditions, 8:132 13:29 first impressions, 8:129 lawyer misconduct, 13:26 fragmented care, 8:133 mistake, 13:23 joint commission accreditation, 8:134 mortgage brokers, 13:30 number of touches, 8:135 overreaching, 13:24, 13:25 real estate transactions, 13:31 quality of care staff witnesses, 8:130 shorter stays, 8:131 scams, 13:28 undue influence, 13:23 Operations models, 8:89 Welfare and institutions Code administrative and support services, protective order, 13:49 8:104 Writ of possession, 13:46 advanced medical care, 8:92 diagnostic and imaging services, Fraud and misrepresentation claims 8:103 Elder abuse litigation emergency department (ED), 8:95 generally, 12:7 to 12:21 for-profit vs. non-profit models, 8:90 affirmative misrepresentation, not intensive care units (ICU), 8:96 required, 12:12 labor and delivery unit (L&D), 8:101 basic elements, 12:9 medical/surgical units (Med/Surg), constructive fraud, 12:8 8:97 fiduciary relationship and status operating rooms (OR), 8:100 generally, 12:10 pharmacy and medication care facilities, 12:11 management, 8:102 fraudulent intent, not required, 12:13 post-anesthesia care unit (PACU), intentional and negligent 8:99 misrepresentation publicly operated vs. privately generally, 12:15 to 12:20 owned, 8:91 allegation, 12:20 specialty units, 8:93 basic elements, 12:16 surgical services, 8:100 cause of action, 12:20 misrepresentation, 12:17, 12:18 telemetry units, 8:98 typical department structures, 8:94 nondisclosure of material facts or information, 12:12, 12:14 State regulation, 8:106 to 8:117 possession of information by importance RN Care, 8:115 defendant, 12:19 laws and regulations, 8:108 practice pointer, 12:21 key, 8:109 licensing agency, 8:107 **Fraudulent Transfer Act** minimum requirements, 8:111 Property pending judgment mislabeling prohibited, 8:112 provisional remedy of attachment, 13:44 nursing and patient care staff Specific property, claim, 13:21 competency, 8:116 nursing staff development, 8:117 patient classification system, 8:113 - G staffing ratios for licensed nurses, General Acute Care Hospitals (GACHs) 8:110 Generally, 8:86 to 8:135 written staffing plans, 8:114 Federal laws and regulations, 8:121 Typical personnel, 8:105 care planning, 8:124

Golden rule arguments

Elder Abuse Litigation, 17:123

infection control, 8:125

key, 8:122

Governing law

Alter ego corporate liability	Home health agencies (HHAs), 8:176 to 185
associated vendor factors, 11:41 identity recognition, 11:40 separate personality, 11:40 unity of interest and ownership, 11:40	24-hour Reports Pre-trial discovery critical shift neglects, 10:31 to 10:33 plaintiff communication, 10:31 to 10:33
- H -	unique identifier number, 10:31 to 10:33
Health Insurance Portability and Accountability Act (HIPAA)	- 1-
Pre-trial discovery medical negligence, 10:43 third-party deposition, 10:43	Insolvent defendant Corporate liability, 11:3
Home health agencies (HHAs)	Insurance Corporate liability, availability, 11:3
Generally, 8:151 to 8:159 Basic assistance care, 8:159 Federal regulation, 8:167 to 8:172, 8:187 to 8:193	Intake Specialist Communication with the client, 1:13
care planning, 8:189	- J -
coordination of services, 8:189 core services, 8:190 homemaker services, 8:191 hospice aide, 8:191 individualized care plans, 8:171 infection control, 8:172, 8:192 interdisciplinary group, 8:189 key, 8:188 patient assessments, 8:170 patient rights, 8:169, 8:193 Home health aides, 8:158 Homemaker assistance care, 8:159 Hospice providers and care, 8:176 to	Joint venture Corporate liability generally, 11:18 to 11:24 agreement to share profits and losses, 11:23 control over business two entities combination, 11:22 overview, 11:19 ownership interest two entities combination, 11:21 potential defense arguments, 11:24 single business undertaking two entities combination, 11:20
admission, 8:184 at home service, 8:185 own facility, 8:183 Medical social services, 8:157 Nursing care, 8:155 Other settings, 8:197 State regulation, 8:186 State regulations, 8:160 to 8:166 laws, 8:162 licensing agency, 8:161 patient assessments, 8:164 patient rights, 8:166 personal services supervisor, 8:165 plan for personal services, 8:163 plan of care, 8:163 plan of treatment, 8:163 Therapy, 8:156 Unique challenges, 8:173 to 8:175, 8:194 to 8:196 care and custody, 8:174	Jurors and jury Elder abuse litigation alternate jurors, selection manner, 17:13 discharge during trial or deliberations, 17:45 hardships on juror panel size, 17:18 judicial approval, cannot be implied, 17:124 number of challenges, 17:16 number of jurors, 17:12 peremptory challenges, 17:15 alternate Jurors, 17:17 practice pointer, 17:14, 17:19 pre-trial conference matters, 17:20 self-interest prohibited, appealing to, 17:122 voir dire, procedures, 17:11 Jury selection
intermittent presence, 8:175 scope of duties, 8:175	Elder abuse alternate jurors, selection manner, 17:13

Hospice providers and care

Jury selection (Cont'd)

hardships on Juror Panel Size, 17:18 number of challenges, 17:16 number of jurors, 17:12 peremptory challenges, 17:15 alternate Jurors, 17:17 practice pointer, 17:14, 17:19 pre-trial conference matters, 17:20

- K -

Key regulations affecting care and safety

Generally, 8:20 to 8:28
Admission and discharge criteria, 8:26
Caregiver licensing and training, 8:22
Dementia care, 8:24
Medication management, 8:25
Plan of operation, 8:28
Reporting requirements, 8:27
Resident assessments, 8:23
Staffing requirements, 8:21

- L-

Les pendens

Financial Abuse securing real property, 13:53

Licensee

Pre-trial discovery
ALF policies and procedures, 10:28

Living Plaintiff

Arbitration, 1:31
Client meetings, 1:36
Considerations, 1:23
Credibility issues, 1:25
Heir defendants, 1:26
Plaintiff's involvement with the victim, 1:24
Special considerations, Settlement, 18:46

Long term acute care hospitals (LTACs)

Statutory preference, 1:22

Generally, 8:136 to 8:150
Federal regulation, 8:144 to 8:147
different payment model, 8:145
length of stay requirement, 8:146
quality reporting, 8:147
Operations models
free standing, 8:140
hospital-within-hospital (HwH), 8:141
State regulation, 8:143
Unique aspects/challenges, 8:148 to 8:150
assessment data sets and LTRAX, 8:150

Long term acute care hospitals (LTACs) (Cont'd)

general acute care hospitals (GACHs), 8:149

Loss of consortium

Elder abuse litigation generally, 12:73 to 12:76 elements, 12:75 harm to primary victim, wrongful conduct, 12:75 introduction, 12:74 practice pointer, 12:76 relationship harm, 12:75 spousal relationship, 12:75

- M -

Managing Agent Generally, 6:1 to 6:25

Applications of Textron case, 6:11 Authorized or ratified wrongful conduct, 6:14 Civil code, 6:7 to 6:9 Company engaged in conduct constituting malice, oppression or fraud, 6:13 Corporate overseers, 6:16 Corporation's liability for punitive damages, 6:4 Director, 6:6 Element applied to elder abuse actions, 6:15 Employment by corporation, 6:10 Facility administrator, 6:17 Facility director of nurses, 6:18 Limited liability companies, 6:5 Multiple agents, 6:12 Officer, Director or Managing agent, Reckless neglect, Engaged in, 6:22 Retainment of unfit employee, 6:21 Securing enhanced remedies, 6:2 Supervising nurses and charge nurses,

Marshalling Evidence

6:20

Admission, Marked exhibits, 16:36
Deposition exhibits, 16:39
Exhibit hearsay, 16:40
Exhibit numbering, 16:38
Exhibits, 16:29
lists, 16:32
potential exhibits, 16:31
proffered exhibits, 16:33
stipulations, 16:34
Jury selection instruction, 16:15
Live testimony, 16:14
Marking voluminous documents, 16:37

Unaffiliated management companies,

Marshalling Evidence (Cont'd) Medical charts, 16:42 Medical records as exhibits, 16:41 Plaintiff, Medical records of, 16:30 Pre trial presentation, 16:35 Videotaped deposition testimony, 16:12 Videotaped deposition testimony, Advantages, 16:13 Witnesses, Generally, 16:2 to 16:11	Mediation (Cont'd) Negotiation, 18:19, 18:29, 18:33 Practice pointer, 18:12, 18:19, 18:35, 18:52 Preparation generally, 18:13 to 18:15 client representation, 18:15 forum, 18:14 Punitive Damages evaluation of settlement, 18:42
Mediation	Responding to offer, 18:32
Agreements, settlement generally, 18:54 to 18:57 confidential settlement agreement, 18:57 installment payments, 18:56 provisions, 18:55 Appeals, avoiding, 18:51 Bankruptcy, 18:38	Settlement, 18:9 Special consideration living plaintiff, 18:46 motion of preference, 18:46 Specific tasks defense, 18:20 plaintiffs' counsel, 18:19
Brackets, use of	Statutory liens, 18:19
negotiations, 18:33 Briefing, 18:17 Briefs, 18:21 Civil Procedure Code § 998	Verdict generally, 18:47 to 18:50 collections, avoiding, 18:49 defense after settlement, 18:53
cost shifting offers, 18:37	Medical Injury Compensation Reform
Clear deadlines, importance, 18:36	Act (MICRA)
Client dealings	Elder Abuse Litigation
generally, 18:23 to 18:27	suffering damages, 12:6
Contractual liens, 18:19 Cost shifting	wrongful death
Civil Procedure Code § 998 offers,	provisions, applicability of, 12:71
18:37	Medical Negligence
Demand or offer amount, 18:31	Pre-trial discovery
Discussion, settlement, 18:30	third-party deposition
Elder abuse case	generally, 10:39 to 10:43
importance of selection, 18:10, 18:11	case, 10:39
legal theories, 18:11	Confidentiality of Medical Information Act (CMIA), 10:43
Evaluation of settlement	EMS responders, 10:40
generally, 18:39 to 18:45 causation, 18:44	health care personal
damages, 18:44	burden of proof, 10:41
discovery aids, long term care providers, 18:43	damages and causation issues, 10:41
Elder Abuse Act, remedies, 18:41 family involvement, 18:45 medical condition, 18:44	Health Insurance Portability and Accountability Act (HIPAA), 10:43
proof of neglect, 18:44	practice pointer, 10:43
punitive damages, 18:42	primary care physician, 10:42
valuation of financial elder abuse case, 18:40	Medication Administration Records (MARs)
Exhibits, 18:18	Pre-trial discovery
Experts, 18:16	legends, 10:24
Funds, lack of, 18:38	omission, critical documentation,
Litigation costs, accurate accounting, 18:19	10:22
Mandatory settlement conferences,	MICRA
18:28	Assisted Living Facilities (ALFs), 8:34
Mediators'	Attorney fees, 2:32
proposal, 18:34	Collateral source rule, 2:39
role, 18:22	Common fact patterns, 2:19

4:46 43 40
lursing
6:86 3
nt nt
3:87
at
e,
5 63 n i,

Neglect and negligence (Cont'd)	Notice (Cont'd)
Custodial neglect and professional	employees
negligence, 4:13	generally, 10:80
Definition, 3:7, 4:4	communications, 10:80
Documentation as a part of overall care, 4:32	complaints and satisfaction
Elder abuse litigation	surveys, 10:80 turnover reports, 10:80
custodial	facility quality metrics and
generally, 12:2 to 12:6	complaints, 10:78
injury, 12:4	governing body meeting minutes for
introduction, 12:3	snfs, 10:82
suffering damages, 12:5	quality metrics available to snfs,
uncapped pre-death pain, 12:5	10:81
victims of abuse, 12:4	regulators
willful acts, 12:4	generally, 10:83 to 10:86
Element of elder abuse, Generally, 4:1	citations and deficiencies, 10:86
to 4:46	complaints, facility reported incidents, and investigations,
Failure to provide care, 4:30	10:85
Family and other witness accounts, 4:33	DPH for SNFs and DSS for ALFs,
Framework, 4:14	regulatory bodies, 10:84
Governing regulations, 4:18	elder abuse litigation, 10:83
Medical Negligence (this index)	residents/families
Multiple sources of authority, 4:26	generally, 10:79
Nature of the current case law, 4:41	complaints and satisfaction
Neglect per se, 4:42 to 4:46	surveys, 10:79
applicability of Evidence Code, 4:46	council meeting minutes, 10:79
failure to exercise due care, 4:43	lawsuits, 10:79
rebuttable presumption, 4:44	_
triable questions of fact, 4:45	- 0 -
Negligence per se instruction, 4:40	Objection
Nevarrez v. San Marino Skilled Nursing	Pre-trial discovery (this index)
And Wellness Center, 4:39	• • • • • • • • • • • • • • • • • • • •
Non retained experts, 4:23, 4:35	Omission
Norman v. Life Care Centers of America, Inc, 4:38	Pre-trial discovery
Opposing experts' testimony, 4:25	critical documentation
Outcome of care, 4:34	generally, 10:14 to 10:24
Physical abuse, 4:2	Activities Of Daily Living (ADLs), 10:23
Plaintiff's medical chart, 4:16	assessments, 10:15
Pre-trial discovery	care plans, 10:16
problems at facility, 10:77	incident reports, 10:19
Professional, 2:26	legends, 10:24
Provable neglect (this index)	Medication Administration Records
Retained experts, 4:24, 4:36	(MARs), 10:22
Simple elder neglect, 2:2	nursing progress notes, 10:18
Statutory definition, 4:5 to 4:12	physician order and progress
Third party witnesses, 4:23	notes, 10:17
Training materials for employees at	therapy records, 10:20
medical facilities, 4:21	Treatment Administration Records (TARs), 10:21
Neglect and Negligence	(IAHS), 10.21
Proof of neglect	ъ
mediation, evaluation of settlement,	- P -
18:44	Patients8217 bill of rights
Notice	Health & safety code § 1430(b)
Pre-trial discovery	generally, 12:25 to 12:37
Certification and Survey Provider	corporate overseer liability, 12:37
Enhanced Reporting (CASPER),	federal regulation, 12:30
10:81	free from discrimination, 12:29

[P]

Patients8217 bill of rights (Cont'd) Pressure Injuries (Cont'd) incorporation of rights, 12:30 history, 9:32 limited mobility, 9:26 injunctive relief, 12:32 poor nutrition or hydration, 9:30 introduction, 12:26 legislative intent, 12:27 infection control, 9:64 monetary cap, 12:31 laboratory tests, 9:63 practice pointer, 12:33 mattresses and support surfaces, skilled nursing facilities, limited to, 9:44 12:35 medical records, terminology, 9:23 state regulation, 12:30 national pressure injury advisory statute of limitations, 12:36 panel, 9:9 normal layers of skin, 9:14 statutory damages, 12:31 statutory text, 12:28 nutritional support, 9:48, 9:66 obscured full-thickness skin violation, 12:25 to 12:37 tissue loss, 9:20 **Pervasive Neglect** optimizing mobility, 9:51, 9:52 Neglect, 5:27 other surgical interventions, 9:68 RMOF Element, 5:27 other wound types, 9:76 pain management, 9:65 **Physical Abuse** partial-thickness skin loss with Elder Abuse, 3:9 exposed dermis, 9:17 Neglect element, 4:2 people with **Plaintiffs** cognitive impairments, 9:31 Elderly plaintiffs (this index) incontinence, 9:29 pre-existing, 9:71 Final trial preparation (this index) medical conditions, 9:72 Living plaintiffs (this index) Marshalling evidence (this index) unavoidable, 9:73, 9:74 Nealect (this index) prevention and interventions, 9:39 Settlement (this index) protective devices, 9:42, 9:43 recklessness finding **Preliminary Injunction** failure to provide needed Financial abuse, 13:47 interventions, 9:57, 9:58 regular repositioning, 9:40 **Pressure Injuries** repositioning program, 9:41 Generally, 9:4 to 9:76 skin care, 9:47 advanced wound care technologies, skin inspections, 9:45, 9:46 9:69 staging, 9:13 assessing risk, 9:33 to 9:38 treatment, 9:59 braden scale, 9:35 turning program, 9:41 norton scale, 9:36 wound cleaning, 9:61 skin scale, 9:37 avoiding friction and shear, 9:53 Pre-trial discovery bony prominence, 9:24 Generally, 10:1 to 10:134 checking pedal pulses, 9:54, 9:55 Abuse and neglect common defenses, 9:70 Elder Abuse Act, 10:5 contesting, 9:75 long-term care facility, 10:5 debridement, 9:67 Accounts Control deep tissue pressure injury, 9:21 generally, 10:107 to 10:110 dressing application, 9:62 credit agreements, 10:110 education and training, 9:56 expenses control, 10:109 elderly persons, 9:27 revenues control, 10:108 erythema, 9:16 Activities Of Daily Living (ADLs) full-thickness skin loss, 9:18 omission, critical documentation, tissue loss, 9:19 higher level of care, 9:60 shift and assignment sheets, 10:30 high risk individuals, 9:25 ALF policies and procedures incontinence management, 9:49, Administrator, qualifications and 9:50 duties, 10:28 licensee, policies of, 10:28 individuals with chronic conditions, 9:28 Applicability

Pre-trial discovery (Cont'd)	Pre-trial discovery (Cont'd)
Civ Code § 3295, 10:129	services, 10:98
Budget control	operational control
generally, 10:105	generally, 10:94
invariably labor, 10:105	Relevant evidence
revision and review processes,	generally, 10:93
10:105	supervision of facility
varlance control, 10:106	employees/directors, 10:96
Burden objections, 10:133	Theories of Corporate Liability
Care provider testimony	generally, 10:93
defendant facility care provider	Depositions
depositions, 10:35	facility deposition discovery restaffing
depositions	generally, 10:72 to 10:76
current employees, 10:37	acuity, 10:76
defendant facility care provider,	complaints, staffing, 10:74
10:35	personal staffing concerns, 10:73
former employees, 10:36	ratios, staffing, 10:75
practice pointer, 10:38 Common objections to discovery	general considerations, 10:3
generally, 10:113 to 10:120	Document discovery
defendants8217 mental state	evidence
discovery evidence, 10:118	elder abuse action, 10:7
reckless, malicious, oppressive,	plaintiffs' chart, 10:7
and fraudulent, conduct, 10:118	Documents Evidencing
intra-defendant discovery	Acuity generally, 10:56 to 10:64
admission by plaintiff, 10:119	assisted living facility and resident
thieves of liability, 10:119	acuity, 10:62 to 10:64
overbreadth	facility assessment, 10:61
admission by plaintiff, 10:114	facility Assessment, 10:61
allegations, complaint, 10:115	Minimum Data Set assessments,
practice pointer, masquerading	10:58
objection, 10:116	patient driven payment model
scope, 10:115	categories, 10:58
time frame, trial intentions, 10:117	payroll type, short term vs. long
practice pointer	term, 10:60
masquerading, 10:116	Program for Evaluating Payment Patterns Electronic Reports,
quantum of work, 10:116	10:59
subsequent conduct discovery	Skilled Nursing and Resident
neglect of plaintiff, 10:120	Acuity, 10:57
Communications and Electronically Stored Information (ESI)	inadequate supervision
evidence, 10:25	generally, 10:69 to 10:71
Complaint	nurse supervision, 10:70
SNF Policies and Procedures,	personnel files, 10:71
neglect in, 10:29	registered nurses, importance,
Corporate defendant liability	10:70
generally, 10:91 to 10:102	Numerical Staffing
accounting records, access to, 10:95	generally, 10:46 to 10:55
Common corporate organization,	CDPH Form 612, 10:53
10:92	census, 10:51
communications, 10:100	payroll, 10:49
contracts, policies and procedures,	practice pointer, 10:55
10:101	punch detail report, 10:49
facility information, access to, 10:94	Registry and Staffing Agencies,
form, 10:102	10:50
health records, access to, 10:95	schedule, 10:47
intra-company dashboard, 10:95	shift sheet and assignment sheets,
management agreements	10:48
generally, 10:97 to 10:99	SNF Specific Documents, 10:53,
parties and negotiations, 10:99	10:54

Pro trial discovery (Cont'd)	Dro trial discovery (Cont'd)
Pre-trial discovery (Cont'd) staffing grids and ladders, 10:52	Pre-trial discovery (Cont'd) Long-term care facility operations
waiver for compliance, 10:53	burden of proof, 10:44
	Medication Administration Records
Qualitative Staffing	(MARs)
generally, 10:65 to 10:68 in services, 10:67	shift and assignment sheets, 10:30
new hire orientation and training,	Motions to Compel
10:66	general considerations, 10:4
online training, 10:68	Motions in limine, 10:4
Elder Abuse Act, 10:1	Negligence
Common objections to discovery	problems at facility, 10:77
defendants8217 mental state,	Notice
10:118	Certification and Survey Provider
Electronic Health Record (EHR)	Enhanced Reporting (CASPER),
generally, 10:8	10:81
audit	employees
logs, 10:11	generally, 10:80
reports, 10:12	communications, 10:80
created date, 10:10	complaints and satisfaction
effective date, 10:10	surveys, 10:80
legends, 10:24	turnover reports, 10:80
Person Most Qualified (PMQ), form,	facility quality metrics and
10:13	complaints, 10:78
printed, shuffled and rescanned productions, 10:9	governing body meeting minutes for snfs, 10:82
End-of-Shift Reports	quality metrics available to snfs,
critical shift neglects, 10:31 to 10:33	10:81
plaintiff communication, 10:31 to	regulators
10:33	generally, 10:83 to 10:86
unique identifier number, 10:31 to	citations and deficiencies, 10:86
10:33	complaints, facility reported
Evidence	incidents, and investigations, 10:85
document discovery	DPH for SNFs and DSS for ALFs,
elder abuse action, 10:7	regulatory bodies, 10:84
governing body meeting minutes for snfs, notice, 10:82	elder abuse litigation, 10:83
job descriptions, 10:26	residents/families
Failure to respond	generally, 10:79
bonuses, 10:89	complaints and satisfaction
budgets/labor allocation, 10:88	surveys, 10:79
evidence, 10:87	council meeting minutes, 10:79
notice, 10:87	lawsuits, 10:79
problems: reckless, malicious,	Objections (see above)
oppressive, or fraudulent, 10:87	Omission
revenues/profits, 10:90	critical documentation
Financial control, 10:103	generally, 10:14 to 10:24
Financial evidence	Activities Of Daily Living (ADLs), 10:23
discoverable to prove	assessments, 10:15
defendants8217 liability, 10:131	care plans, 10:16
objections	incident reports, 10:19
Civ Code § 3295, 10:128	legends, 10:24
practice pointer, 10:132	Medication Administration Records
24-hour Reports	(MARs), 10:22
critical shift neglects, 10:31 to 10:33	nursing progress notes, 10:18
plaintiff communication, 10:31 to	physician order and progress
10:33	notes, 10:17
unique identifier number, 10:31 to	therapy records, 10:20
10:33	Treatment Administration Records
Job descriptions	(TARs), 10:21
evidence, 10:26	Ownership control, 10:104

Pre-trial discovery (Cont'd) Person Most Qualified (PMQ) Electronic Health Record (EHR), form, 10:13 policies and procedures, job	Pre-trial discovery (Cont'd) Treatment Administration Records (TARs) omission, critical documentation, 10:21
descriptions, staffing, form, 10:26	shift and assignment sheets, 10:30
Plaintiffs8217 damages Civ Code § 3294, 10:130 Policies and Procedures ALF policies and procedures, 10:28 evidence, 10:26 neglect in complaint, 10:29 SNF policies and procedures, 10:27	Professional Negligence Extreme recklessness, 2:30 Failed surgery, 2:28 Misdiagnosis, 2:27 Neglect, 2:26 Treatment option, 2:29
Privacy generally, 10:121 to 10:127	Protective Order
defendants8217 privacy interests	Financial abuse Welfare and institutions Code, 13:49
objections, 10:122 practice pointer, 10:123 employees8217 privacy interests identifying witnesses, 10:125 objections, 10:124 to 10:126 personnel files, 10:126 residents8217 privacy interests objections, 10:127 Production Requests general considerations, 10:3 Professional negligence, 10:1 Punitive damages, 10:1 Quality assurance objections, 10:134 Related party transactions	Provable Neglect Advising the counsel, 1:10 Determination of records by experts, 1:12 Determination of records by experts, 1:12 Expert medical opinion, 1:4 Interrogation, Screening calls, 1:7 Procedures, Generally, 1:5 to 1:12 Qualified consulting expert, 1:9 Reviewing counsel, 1:8 Review of records, 1:11 Screening calls, 1:6
general ledgers, 10:112	Punitive damages
money control, 10:111 Scope of discovery, 10:1 SNF policies and procedures neglect in complaint, 10:29 patient care policies and procedures, as written, 10:27	Award vs. enhanced remedies under elder abuse act, 14:21 Defendant8217s conduct malicious, oppressive or fraudulent, 14:23 Defined
regulation, availability to public,	despicable conduct, 14:17 fraud, 14:16
Staffing	malice, 14:14
facility deposition discovery restaffing generally, 10:72 to 10:76 acuity, 10:76 complaints, 10:74 personal staffing concerns, 10:73	oppression, 14:15 Discovery, 14:22 financial, 14:24 Employer liability, 14:19
	Evidence of financial condition and
ratios, 10:75	profits, 14:25 In commission of wrongful conduct,
Third-party deposition Confidentiality of Medical Information Act (CMIA), 10:43 EMS responders, 10:40	profits, 14:25 In commission of wrongful conduct, 14:20 Introduction, 14:1 Malicious, oppressive or fraudulent conduct, 14:13
Third-party deposition Confidentiality of Medical Information Act (CMIA), 10:43 EMS responders, 10:40 health care personal	profits, 14:25 In commission of wrongful conduct, 14:20 Introduction, 14:1 Malicious, oppressive or fraudulent conduct, 14:13 Phase one, 14:26
Third-party deposition Confidentiality of Medical Information Act (CMIA), 10:43 EMS responders, 10:40 health care personal burden of proof, 10:41 damages and causation issues,	profits, 14:25 In commission of wrongful conduct, 14:20 Introduction, 14:1 Malicious, oppressive or fraudulent conduct, 14:13 Phase one, 14:26 evidence supporting/opposing, 14:28 jury instructions, 14:29
Third-party deposition Confidentiality of Medical Information Act (CMIA), 10:43 EMS responders, 10:40 health care personal burden of proof, 10:41 damages and causation issues, 10:41 Health Insurance Portability and Accountability Act (HIPAA), 10:43	profits, 14:25 In commission of wrongful conduct, 14:20 Introduction, 14:1 Malicious, oppressive or fraudulent conduct, 14:13 Phase one, 14:26 evidence supporting/opposing, 14:28 jury instructions, 14:29 overview, 14:27 verdict form, 14:30 Phase two, 14:31
Third-party deposition Confidentiality of Medical Information Act (CMIA), 10:43 EMS responders, 10:40 health care personal burden of proof, 10:41 damages and causation issues, 10:41 Health Insurance Portability and	profits, 14:25 In commission of wrongful conduct, 14:20 Introduction, 14:1 Malicious, oppressive or fraudulent conduct, 14:13 Phase one, 14:26 evidence supporting/opposing, 14:28 jury instructions, 14:29 overview, 14:27 verdict form, 14:30

Punitive damages (Cont'd) **Review Of Records** Factor Three8212Defendants Provable neglect, 1:11 Financial Condition, 14:42 **RMOF Element** financial condition, defendants, 14:49 Generally, 5:1 to 5:88 governing caci instruction, 14:33 Absence of writeups, 5:71 harm to others, 14:44 Allegations against the hospital, 5:18 overview, 14:32 Board members, 5:36 practice pointer, 14:35, 14:37, 14:39, Bonuses, 5:34 14:41, 14:43, 14:45 punishment and deterrence, 14:34 Budget, 5:31 Burden of proof on the plaintiff, 5:26 relationship between punitive damages and plaintiff8217s harm, California appellate court cases, 5:74 14:40 Carter v. Prime Healthcare Paradise timing, 14:48 Valley LLC, 5:17 Cases, 5:11 to 5:21 obtaining evidence, 14:50 Challenging Plaintiff's introduction of Trial, overview, 14:47 Pleading, 14:3 Regulatory Records, 5:78 Cochrum v. Costa Victoria Healthcare, amount, 14:5 complaint without leave to amend, 5:13 Complaints 14:4 enhanced remedies under elder public, 5:87 third party healthcare provider, 5:86 abuse act, 14:9 motions to strike prayers, 14:10 Constructive fraud cause of action, particularity, 14:8 practice pointer, 14:7, 14:11 Corporate defendants' extraction of cash from defendant facility, 5:30 statement of damages, 14:6 Corporate overseers, 5:83 Purpose, 14:2 Corporate shells, 5:37 Secure, 14:12 Correction plans, 5:79 **Punitive Damages** Custodial neglect, 5:4 Elder abuse litigation, 17:144 Defendants' conduct, Criminal conduct, Mediation 5:88 evaluation of settlement, 18:42 Deficiencies and citations, 5:76 Deficiency investigations, 5:72 Employee testimony, 5:68 - Q -Facility administrator, 5:42 **Quantum of Work** Facility employee complaints, 5:82 Pre-trial discovery Failures in systems, 5:69 common objections to discovery Failure to Act after being put on Notice, practice pointer, burden to establish, 10:116 5:73 Fenimore v. Regents of University of California, 5:15 - R -Financial focus of communications, 5:35 **Real Property** Fraud, Generally, 5:9 Securing, financial abuse Gathering prior deficiencies, 5:77 generally, 13:50 to 13:53 Governing body, 5:41 attachment of defendants interest, Identity of owners, 5:40 13:50, 13:51 Intrieri v. Superior Court, 5:20 les pendens, 13:53 Jarman v. HCR Manor Care, Inc, 5:14 practice pointer, 13:52 Lack of supervision. Proof of, 5:67 Residential Care Facility for the Malice, Generally, 5:7 **Elderly (RCFE)** Marron v. Superior Court, 5:21 Assisted Living Facilities (ALFs), 8:4 Meeting burden of proof, 5:23 Notice of evidence, 5:75 **Restraining Order** Numerical understaffing, 5:51 to 5:59 Financial abuse Oppression, Generally, 5:8 temporary, 13:47 Performance evaluations, 5:70 **Review of Records** Pervasive neglect, 5:27 Duration of review, 1:13 Private equity, 5:43

RMOF Element (Cont'd)	Settlement (Cont'd)
Profitability ambitions, 5:38	Clear deadlines, importance, 18:36
Profitability relative to industry, 5:33	Client dealings, 18:23, 18:24
Profits over patient care, 5:28	generally, 18:23 to 18:27
Proof with evidence of systematic	Client management, 18:3
failures, 5:25	generally, 18:3 to 18:8
Proving defendants were reckless, 5:24	educating and managing
Quantum of evidence, Plaintiff's	defendants' expectation, 18:8
burden, 5:3	plaintiffs' expectation, 18:4
Recklessness, abuse and malice, 5:5	practice pointer, 18:7
Recklessness, abuse and malice, Theories, 5:22	reassuring clients, 18:6
Recklessness, Generally, 5:6	ureasonable plaintiffs' expectation,
REITs, 5:43	18:5
Related party transactions, 5:32	Client representatives, 18:15
Resident and family complaints, 5:85	Confidential settlement agreement
Sababin v. Superior Court, 5:19	limited elder abuse case, 18:57
Samantha B. v. Aurora Vista Del Mar	Contractual liens, 18:19
LLC, 5:12	Cost shifting, 18:37
Search for notice evidence, 5:84	Civil Procedure Code § 998 offers, 18:37
Securing Enhanced Remedies, 5:2	Defense specific tasks, 18:20
Shareholders distributions, 5:39	Defense verdict, 18:53
Substantive evidence, 5:81	Demand or offer amount, 18:31
Under-staffing, 5:29, 5:44 to 5:46	Discussion, settlement, 18:30
Understaffing due to lack of	Discussions, 18:30
supervision, 5:64 to 5:66	Distribution of settlement, 18:27
Understaffing due to lack of training,	Educating and managing defendants'
5:60 to 5:63	expectations, 18:8
Understaffing in numbers, 5:47 to 5:50	Educating and managing plaintiffs'
Unfair prejudice, 5:80	expectation, 18:4
Venture capital, 5:43	Educating the mediator, 18:12
Worsham v. O'Connor Hospital, 5:16	Elder abuse case
	importance of selection, 18:10, 18:11
- S -	legal theories, 18:11
Settlement	Evaluation, 18:39
	Evaluation, Financial elder abuse
Generally, 18:1 to 18:63	cases, 18:40
Agreements, 18:54 Agreements, Confidential, 18:57	Evaluation of settlement
Agreements, confidential, 16.57 Agreements, settlement	generally, 18:39 to 18:45
generally, 18:54 to 18:57	causation, 18:44
confidential settlement agreement,	damages, 18:44
18:57	discovery aids, long term care
installment payments, 18:56	providers, 18:43 Elder Abuse Act, remedies, 18:41
provisions, 18:55	family involvement, 18:45
Appeals, avoiding, 18:51	medical condition, 18:44
Appellate specialist, 18:52	proof of neglect, 18:44
Assessment, 18:2	punitive damages, 18:42
Attorney costs, 18:63	valuation of financial elder abuse
Attorney's recommendation, 18:7	case, 18:40
Avoiding collections, 18:49	Exhibits, 18:18
Bankruptcy, 18:38	Experts, 18:16
Brackets, use of	Family involvement in plaintiff's life,
negotiations, 18:33	18:45
Briefing, 18:17	Forum, 18:14
Briefs, 18:21	Funds, lack of, 18:38
Civil Procedure Code § 998	General considerations, 18:2
cost shifting offers, 18:37	Global settlements, 18:61
Claim representative, 18:25	Handling settlement
Clear deadlines, 18:36	generally, 18:59 to 18:63
Sidai doddiiiioo, 10.00	gonorany, roloo to roloo

Settlement (Cont'd)	Settlement (Cont'd)
attorney costs, 18:63	Right to proceeds, 18:59
dividing global settlements, 18:61	Settlement, 18:9
medicare and other liens, 18:62	Settlement negotiation, 18:1
right to proceeds, 18:60	Settlement negotiations after a jury
standing to sue, 18:60	verdict, 18:48
Heightened remedies, 18:41	Special consideration
Importance of selecting a good	living plaintiff, 18:46
mediator, 18:35	motion of preference, 18:46
Initial settlement demand, 18:31	Specific tasks, 18:19
Installment payments, 18:56	defense, 18:20
Judgment proceeds, 18:59	plaintiffs' counsel, 18:19
generally, 18:59 to 18:63	Statutory liens, 18:19
attorney costs, 18:63 dividing global settlements, 18:61	Unreasonable plaintiffs' expectation, 18:5
medicare and other liens, 18:62	Use of brackets, 18:33
right to proceeds, 18:60	Use of legal procedures, 18:50
standing to sue, 18:60	Verdict, 18:47
Litigation costs, accurate accounting,	generally, 18:47 to 18:50
18:19	collections, avoiding, 18:49
Living plaintiffs, Special considerations,	defense after settlement, 18:53
18:46	Sexual Abuse
Long term care providers, 18:43	Generally, 9:157 to 9:189
Mandatory settlement conferences, 18:28	accountability, 9:167
Mediation, 18:9	Alzheimer patients, 9:187 to 9:189
generally, 18:9 to 18:28	at risk persons, 9:161
Mediation briefs, 18:21	civil case, elements, 9:160
Mediation preparation, 18:13	cognitively impaired residents, 9:183
Mediation versus mandatory	common defense, 9:178 to 9:189
settlement, 18:28	circumstantial evidence, 9:181
Mediator, 18:10	clear and convincing evidence,
Mediators'	9:180
proposal, 18:34	direct evidence, 9:179
role, 18:22	consent, 9:182
Mediators familiar with elder abuse cases, 18:11	environmental controls, 9:166
Mediator's proposals, 18:34	failing to investigate, 9:171 failure to act, 9:168
Mediator's role, 18:22	incident reporting and response,
Medical conditions, 18:44	9:165
Medicare, 18:62	intimate relationships prohibited,
Negotiation, 18:19, 18:29, 18:33	9:186
generally, 18:1, 18:2	investigative files, 9:175 to 9:177
strategies, 18:29 to 18:38	known behavioral issues, 9:169
Negotiation strategies, 18:29	mental capacity, 9:184
Post settlement tasks, 18:58	police investigations, 9:172 to 9:174
Practice pointer, 18:12, 18:19, 18:35,	prevention and interventions, 9:162
18:52 Preparation	protection from manipulation, 9:185
generally, 18:13 to 18:15	resident-on resident abuse, 9:169
client representation, 18:15	resident supervision and care
forum, 18:14	planning, 9:164
Preparation for mediation, 18:26	staff misconduct, 9:170
Provisions in agreements, 18:55	staff screening and training, 9:163
Punitive damages, 18:42	Simple Elder Neglect
Punitive Damages	MICRA, 2:2
evaluation of settlement, 18:42	·
Reassuring clients, 18:6	Skilled Nursing Facilities (SNFs)
Responding to offer, 18:32	Generally, 8:37 to 8:85
Responding to offers, 18:32	Federal regulation, 8:63 to 8:85

Skilled Nursing Facilities (SNFs) (Cont'd) application regardless of medicare status, 8:66	Social Isolation Generally, 7:61 Relationship impact, 7:62 Stigmatization, 7:63
condition changes, 8:85 fall and accident prevention, 8:81	Standard of Care
federal laws and regulations, 8:65	Argument, 4:22
federal oversight by California state	Generally, 4:15
surveyors, 8:64	Trial, 4:19
incontinence, 8:83	Standards of Proof
infection control, 8:82	Financial abuse
key federal regulations affecting care	generally, 13:8 to 13:14
and safety, 8:67 medication management, 8:84	attorney fees and costs, 13:9
minimum numeric staffing, 8:75	class action, 13:19
pressure injury prevention, 8:80	compensatory damages, 13:9 Consumers Legal Remedies Act
quality of care, 8:69	(CLRA), 13:18
quality of life, 8:70	general damages, pain and suffering
resident assessments, 8:72	after death, 13:11
resident rights, 8:68	incompetent victim, 13:13
RN oversight, 8:79	litigation in civil actions, 13:17
staffing requirements, 8:73	practice pointer, 13:10, 13:12, 13:14 probate code, 13:16
staff qualifications/competencies,	remedies provided by law, 13:9
8:77	typical theories, 13:15
staff to acuity, 8:76 staff training, 8:78	Statute of Limitations
sufficient to meet resident acuity	Generally, 1:15 to 1:20
care needs, 8:74	Corporate entities, 11:11
Operations models, 8:40 to 8:44	Discovery rule, 1:18
acuity levels and payer source, 8:43	Financial elder abuse, 1:20
common departments, 8:44	Patients8217 bill of rights
large, corporate-owned facilities,	health & safety code § 1430(b), 12:36
8:42 mom and pop facilities, 8:41	
small, independently-owned nursing	Statute Of Limitations
homes, 8:41	Generally, 1:15 to 1:20
Specialized units, 8:45 to 8:49	Discovery rule, 1:18 Financial elder abuse, 1:20
Alzheimer8217s and dementia units, 8:46	
corporate and regions oversight in	- T -
larger chains, 8:49 distinct part facility, 8:48	Theories of liability
lockdown units, 8:46	Corporate liability
subacute units, 8:47	generally, 11:12 to 11:17
State regulation, 8:50 to 8:62	care or custody, 11:15
care plans, 8:56	direct liability, 11:14 overview, 11:13
changes of condition, 8:61	practice pointer, 11:16
common care issues, 8:57	reckless neglect causing harm:,
fall prevention, 8:59	11:17
infection control, 8:60	Third-party deposition
key state laws and regulations, 8:53	Pre-trial discovery
licensing agency, 8:51	Confidentiality of Medical Information
medication management, 8:62	Act (CMIA), 10:43
pressure injury prevention, 8:58	EMS responders, 10:40
resident assessments, 8:55	health care personal
state laws and regulations, 8:52 state numerical staffing	burden of proof, 10:41 damages and causation issues,
requirements, 8:54	10:41

[W]

Third-party deposition (Cont'd) Health Insurance Portability and Accountability Act (HIPAA), 10:43 medical negligence case, 10:39	videography (Cont'd) witnesses, deposition testimony, 17:96 Voir dire
practice pointer, 10:43	Challenges
primary care physician, 10:42	for cause, 17:39
Trauma	improper peremptory, 17:41
Autonomy loss, 7:51	peremptory, 17:40
Emotional distress, 7:50	Code Civ. Proc. § 231.7, 17:43
Indignity and psychological, 7:49	Counsels' in open court
Treatment Administration Records	biases jurors expressing against your
(TARs)	client, 17:35
Pre-trial discovery	others share, 17:36
legends, 10:24	prospective jurors with respect,
omission, critical documentation, 10:21	17:37
	questioning contrary to law, 17:38
Typical Fact Pattern	rapport establish, 17:34 trial courts' questioning, 17:33
Financial abuse	Elder Abuse
generally, 13:23 to 13:31	jury selection, 17:11
accountant misconduct, 13:26	Peremptory challenges
caregiver theft, 13:25 family theft, 13:24	procedure for addressing, 17:42
financial institution, 13:27	Proceedings, 17:26
insurance and annuity salesperson,	mini-opening statements, 17:30
13:29	panel introduction, 17:27
lawyer misconduct, 13:26	practice pointer, 17:32
mistake, 13:23	random and alphabetical juror lists, 17:28, 17:29
mortgage brokers, 13:30	trial courts', 17:31
overreaching, 13:24, 13:25	Remedy
real estate transactions, 13:31	•
scams 13:28	improperly struck prospective juror,
scams, 13:28 undue influence, 13:23	17:44
undue influence, 13:23	
undue influence, 13:23	17:44 - W -
undue influence, 13:23 - U - Undue influence	17:44 - W - Welfare and institutions Code
undue influence, 13:23 - U - Undue influence Financial abuse	17:44 - W - Welfare and institutions Code Financial Abuse
undue influence, 13:23 - U - Undue influence	- W - Welfare and institutions Code Financial Abuse protective order, 13:49
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses
undue influence, 13:23 - U - Undue influence Financial abuse	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V -	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims,	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59 Mental capacity, Lack of, 1:60	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86 retained experts, 17:87
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59 Mental capacity, Lack of, 1:60 Wrongful death, NIED, 2:35	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86 retained experts, 17:87 subject matters among similarly,
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59 Mental capacity, Lack of, 1:60 Wrongful death, NIED, 2:35	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86 retained experts, 17:87 subject matters among similarly, 17:91
undue influence, 13:23 - U - Undue influence Financial abuse typical fact pattern, 13:23 - V - Venue Damages, 1:32 Victim Agency of Claims, Living victim, 1:58 Consortium recoveries, 2:35 Deceased victim, 2:23, 2:33 Deceased victim, Agency of Claims, 1:61 Heirs, 2:35 Living victim, 2:34 Mental capacity, 1:59 Mental capacity, Lack of, 1:60 Wrongful death, NIED, 2:35	- W - Welfare and institutions Code Financial Abuse protective order, 13:49 Witnesses Adverse witness, 16:19 Corporate case plaintiffs, 16:5 Counter-designations, 16:26 Counter-designations, Trial court, 16:27 Court rulings, 16:25 Elder Abuse Litigation generally, 17:82 avoiding leading when possible, 17:90 examination, 17:88 first and last, 17:85 follow up, answers, 17:92 organized and brief, 17:93 plaintiffs', 17:86 retained experts, 17:87 subject matters among similarly,

Witnesses (Cont'd)

understand and enforce evid. code § 776, 17:89

Evidence presented, 16:3 Friendly witnesses, 16:7

Hostile witnesses, 16:10

Identifying excerpts to be used at trial, 16:22

Impeaching witnesses, 16:58

Impeachment, 16:17

Marshalling evidence, 16:2

videotaped deposition, 16:12 Objections, 16:23

Opposing party witnesses, 16:8

Party responsible, 16:28 Permissible testimony, 16:16

Preparing witness, 16:11

Purpose of deposition, 16:18

Securing witnesses, 16:6

Trial judge, 16:24

Trial subpoenas, 16:9

Trial witness identification, 16:4

Use of videotaped testimony, Procedural rules, 16:20

Writ of Possession

Financial abuse, 13:46

Wrongful act

Conspiracy

corporate liability, 11:31

Wrongful Death

Elder abuse litigation

generally, 12:59 to 12:72

allocation, 12:70

degree of harm, 12:65, 12:66

harm to primary victim, wrongful conduct, 12:64

introduction, 12:60 joint representation, 12:69

MICRA provisions, applicability of,

12:71 naming and serving heir-defendants,

non-economic damages and economic damages, recovery,

12:61

practice pointer, 12:68

proof, 12:62

quality of relationship, 12:67

standing, 12:63