

**NURSING HOMES****Negligence****Utility cart lid fell off,  
landing on nurse's aide's foot****SETTLEMENT**      **\$550,000****CASE**              Blanche Guzzardi and Vincent Guzzardi v.  
Pennswood Village Nursing Home a/k/a  
Pennswood Village Retirement  
Community, No. April 2003 Term - No.  
000269**COURT**            Court of Common Pleas, Philadelphia  
County, PA**JUDGE**            Sandra Moss**DATE**              5/11/2004**PLAINTIFF****ATTORNEY(S)**    Richard M. Jurewicz, Esq., Galfand  
Berger, Philadelphia, PA**DEFENSE****ATTORNEY(S)**    Jeffrey M. Pollock, Esq., Viletto, Bosniak  
& Ross, Philadelphia, PA

**FACTS & ALLEGATIONS** In 2002, plaintiff Blanche Guzzardi, 57, was a nurse's aide who worked as an independent contractor. She provided personal care and companionship services for Ethel Timby, a resident of Pennswood Village Nursing Home, also known as Pennswood Village Retirement Community, in Newton. Timby, 91, had been a Pennswood resident for several years, living in the Woolman House, a skilled nursing facility for residents unable to independently perform daily activities of daily living. While Pennswood has its own staff of nurses and aides to help residents, some residents hire independent contractors to supplement the services they receive.

On the morning of June 4, 2002, Guzzardi changed the bed linens for Timby and then brought the soiled linens into the soiled linen room, which had a container for them. At the same time, a Pennswood housekeeper was pushing a large gray utility cart toward the soiled linen room. As the housekeeper was pushing the cart through the door opening, Guzzardi claimed, the lid fell off the cart and struck her left foot.

Guzzardi and her husband sued Pennswood for the negligence of its employee.

The housekeeper denied the lid fell off while she was pushing the cart; rather, she claimed, Guzzardi opened the lid to put soiled linens inside and while doing so caused the lid to fall off and hit her foot.

**INJURIES/DAMAGES** *complex regional pain syndrome; contusion*

Guzzardi claimed to have sustained a contusion to her left ankle. She continued to work for a few weeks, until her lower

calf became hypersensitive. When the pain refused to subside, she was referred to a neurologist, who diagnosed her with complex regional pain syndrome of the left calf which, she claimed, caused unrelenting and disabling pain that affected her ability to perform basic activities of daily living. She was treated conservatively at first with various pain medications, including Neurontin and Lidoderm patches. She also underwent physical therapy, but she claimed that the her condition remained unimproved. As a result, she underwent a series of lumbar and left distal nerve blocks to alleviate the pain and discomfort. She occasionally experienced deep burning pain and swelling of her calf. She claimed that these conditions occur sporadically. Though she admits that the complex regional pain has improved, she claimed sporadic and unpredictable flare-ups of the complex regional pain. When the pain returns, she claimed that she has to get off her foot and elevate her leg and that she is unable to walk long distances. She claimed medical bills totalling \$7,700, as well as non-economic damages for pain and suffering.

Prior to the accident, she worked 40 hours a week, with an annual salary of about \$40,000. After the accident, she reduced her work load to 10 to 12 hours a week, earning about \$20,000 annually for the past two years. She claimed that her projected future lost earnings were about \$303,000.

Her husband claimed loss of consortium.

Pennswood denied that Guzzardi suffered complex regional pain syndrome, and at most suffered only a contusion to her ankle. Further, it claimed that she had a long history of problems with her lower left leg. She had previously been treated for chronic venous insufficiency and multiple varicose veins. Three years before the accident, Guzzardi had surgery for vein ligation and stripping on her left leg. Five months before the accident, she was hospitalized for a week with a diagnosis of spehnous neuralgia. A venous ultrasound showed residual neuralthrombus in her left leg. In addition, since 1998, she was wearing compression stockings on her left lower leg because of pain and swelling. Also, prior to the accident, Guzzardi was treated by a podiatrist for bone spurs in her left foot. She had been prescribed inserts for her left shoe.

**RESULT** The parties settled for \$550,000, a lump sum for all economic and noneconomic damages.

**DEMAND**            \$1,250,000  
**OFFER**              \$550,000

**INSURER(S)**      Hartford Insurance Company**PLAINTIFF  
EXPERT(S)**

Robert P. Wolf, Ed.D, MBA, economics,  
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