



# How to Successfully Defend Against Multiple, Changing Allegations



## BACKGROUND

A busy law firm in Florida spent months prepping a case for trial. The allegations that their client, a nursing home, faced were clear. A defense was prepared and documentation was gathered to support their position. But, like so many things in life, their best-laid plans went awry—a few times.

## CHALLENGE

The allegations were clear-cut: it was a case of neglect in which the resident, who required assistance with mobility, was left unattended and essentially bedridden for long periods of time. The defense was equally clear-cut: A review of the medical record documented each instance of assisted mobility, demonstrating satisfactory levels of patient interaction and ambulation. But when the parties met in the courtroom, everything changed on a dime.

Without warning, the allegations shifted from a focus on mobility to a focus on infection. The problem, the plaintiffs stated, was that the resident suffered repeated infections due to poor care, and it was this problem that led to insufficient ambulation.



When the parties adjourned for the day, the defense was left with a new set of issues that they would have to answer the following morning and that fell outside their original defense. With a single evening to respond to the new focus, the defense had to act quickly and decisively.

## SOLUTION

Fortunately for the firm, they had engaged Excelas during the original case preparation, which opened the door to a perfect solution. Excelas had already completed a medical chronology, which provided the basis for the original defense. This made it possible to quickly generate a topic chronology, much like a larger medical chronology but focused on a specific area of risk (e.g., skin integrity, nutrition, or behavior). Topic chronologies draw information from the full chronology, so no new

analysis needed to be conducted to provide the firm with its solution—a real time- and money-saver.

The infection-related topic chronology was pulled almost instantly along with a timeline containing supporting documentation regarding every instance of infection the resident experienced. The defense was able to return to the courtroom in the morning, with all the information they needed to answer the new allegations.

## RESULTS

Much to the surprise of the defense team, the allegations then shifted from infection to nutrition, and later from nutrition to a fall. But each time the allegations turned on a dime, the defense was able to counter without delay, returning with an effective defense each time.

Excelas' work products are designed to be responsive and flexible—even flexible enough to answer unexpected new allegations on the fly. Having the right tools available kept the case on track, saved critical time and money and, ultimately, scored a win in the courtroom.



By providing flexibility and depth of information, Excelas has the tools you need to focus your defense, no matter where the allegations take you.