

## **PRESS RELEASE**

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### **SETTLEMENTS ANNOUNCED IN NHC NURSING HOME FIRE LITIGATION**

In the aftermath of the NHC Nursing Home Fire that occurred on September 25, 2003 (“NHC fire”) attorneys for families of the victims announced in Court today that 31 of the 32 cases filed had been mediated, resulting in settlements in 28 of the 32 cases. Lead counsel for the plaintiffs, David Randolph Smith, and mediator Lew Conner, Esq. reported to Judge Barbara Haynes (the judge assigned to the 32 cases) that 14 of the 17 death cases had been settled and all 14 of injury cases had been settled.

Mr. Smith stated: “ The mediation process in this case will serve as an excellent model for resolution of complex tort litigation. The Court (Judge Barbara Haynes) approved an expedited discovery schedule which resulted in over fifty depositions being taken early on in the process. NHC was willing to explore an alternative resolution (mediation) procedure that saved the parties, witnesses and experts tremendous time and expenses. After the exchange of expert witness information, the plaintiffs and NHC presented their cases to an outstanding and tough mediator, attorney and former judge Lew Conner, who conducted mediations from July 19, 2004 through October 5, 2004. The cases were resolved with a fair and just resolution of the claims against NHC.” Mr. Smith and his partner Edmund Schmidt, together with Blair Durham represented families in five death cases and seven injury cases. BASS BERRY & SIMS (attorneys Lee Barfield, David King, Anna Grizzle, Ross Booher and Andrea McKeller) represented NHC. Mr. Smith served as lead plaintiffs’ counsel for 21 attorneys in the 32 cases.

Mr. Smith stated that the NHC fire was a sentinel event in nursing home safety and has directly led to changes in fire safety in nursing homes nationwide. He cited the federal Government’s publication of a GAO report on the fire (available at <http://www.drslawfirm.com/nhc2.html>) and the Nursing Home Fire Safety Act of 2004 (H.R. 4987) as examples. Mr. Smith stated: “The purpose of tort law is both compensation and deterrence. In this case, through the good faith efforts of NHC and the families, we believe these objectives have been achieved.” As part of settlement NHC also plans a memorial for victims of the fire.