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Nurse is fired after reporting unlicensed social worker, wins \$299K verdict including punitives. Los Angeles County.

Summary

Hospice nurse reports that company's social worker is unlicensed, is subsequently terminated.

The Case

Case Name: Vanessa Manuel v. Heart to Heart Care, Inc. and Gentle Hands, Inc.
Court and Case Number: : Los Angeles Superior Court / BC527985
Date of Jury Verdict: Tuesday, April 28, 2015
Date Action was Filed: Friday, November 15, 2013
Type of Action: Wrongful Termination ([/recent-verdicts/category/wrongful-termination](#)), [Highlighted Verdicts \(/\)](#)
Judge or Arbitrator(s): Hon. Brian Gasdia
Plaintiffs:
Vanessa Manuel, registered nurse for Home Health and Hospice Agencies
Defendants:
Heart to Heart Care, Inc., a hospice, and Gentle Hands, Inc., a home health agency, Vanessa Manuel's employers.
Type of Result: Jury Verdict

The Result

Gross Verdict or Award: \$299,000
Award as to each Defendant:
On the general damages award, the jury determined apportionment of 50% on each defendant, for a net verdict of \$49,500 against each defendant. The jury awarded \$100,000 of punitive damages against each defendant.
Punitive Damages:
\$200,000
Trial or Arbitration Time: 8 days.
Jury Deliberation Time: 5-1/2 hours on 1st phase; 40 minutes on punitive damages.
Jury Polls: 12-0 1st phase; 10-2 punitive damages against Gentle; 9-3 punitive damages Heart.

The Attorneys

Attorney for the Plaintiff:
The Ryan Law Group by Andrew T. Ryan, Los Angeles.
Law Offices of John S. Hinman by John S. Hinman, Long Beach.
Attorney for the Defendant:
Law Offices of Jan Stanley Mason by Jan Mason, Pasadena.

The Experts

Plaintiff's Medical Expert(s):
Lance Wilcher, Ph.D., nursing, Walnut.
Michael Uranga, hospice and home health administration, Orange.
Defendant's Medical Expert(s):
Rocky William Gentner, healthcare finance and administration, Seal Beach.
Plaintiff's Technical Expert(s):
Susan Bleecker, CPA, financial condition of company - testified during punitive damages phase.

Facts and Background

Facts and Background:
Vanessa Manuel worked as a registered nurse for sister companies Heart to Heart Care, Inc., a hospice, and Gentle Hands, Inc., a home health agency, owned by the same family, for approximately 90 days, in a part-time capacity at both. On May 2, 2013, she was offered full-time hours, working shifts at both, and on the same day she reported to the Director of Nursing that the social worker at Heart to Heart Care, Inc. was unlicensed in violation of state law. She was fired from both companies on May 7, 2013, and thereafter reported the violation to the Department of Public Health, who investigated and issued a deficiency to Heart to Heart Care, Inc.
Plaintiff's Contentions:

Persuasive Trial Tools That Work

"Truly the best trial exhibits."
- John Taylor, Esq.

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Plaintiff contended that she was fired in retaliation for making the report against the social worker, who was a friend of the owners and also out of fear that she would report the violation to the State of California or to the accrediting agency, the Joint Commission. Although she was back to part-time work one week later at another home health/hospice, and had full-time employment within two weeks, and thus had no loss of earnings claim, she explained that the events had a profound impact on her as she has been unable to find full-time work since she was fired and is currently balancing five part-time jobs, commuting more than 10 extra hours a week.

Defendant's Contentions:

Defendants initially contended that plaintiff was not fired, but rather quit. Shortly before trial, new documents were produced that purported to be exit interviews, which stated that plaintiff's salary was burdensome to the companies and also alleged that she had fraudulently created medical records for patient visits that she did not complete. It was later proved that these documents had been created after the fact, and the allegations within the documents were proven to be false.

Injuries and Other Damages

Plaintiff claimed the inconvenience involved in commuting to five different jobs, many requiring 2-4 hours of commuting per day, as well as the humiliation of being fired wrongfully and the emotional distress of spending significant additional time away from her family in order to make ends meet.

Demands and Offers

Plaintiff \$998 Demand: \$100,000 demanded jointly from the defendants.

Defendant \$998 Offer: \$10,000 from Heart to Heart Care, Inc. and \$6500 from Gentle Hands, Inc.

Additional Notes

The case was won when plaintiff proved that the documentation submitted by the defendants was fraudulent and that the testimony from each of their critical witnesses was inconsistent and unreliable.

Plaintiff's damages were heightened by the fact that she has a well-controlled seizure disorder, preventing her from working in many traditional nursing jobs and from driving, highlighting the importance of the employment with defendants at a location very near her home.

Defendant tried to argue that plaintiff was obligated to disclose this seizure disorder, and would have been fired had they learned of it, but the jury rejected this argument 12-0.



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