



HURRICANE

Two more lawsuits say Hollywood nursing home and FPL share responsibility for deaths

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SEPTEMBER 19, 2017 4:51 PM

Last month, Manuel Mendieta and Carolyn Eatherly celebrated their final birthdays while living at the Rehabilitation Center at Hollywood Hills.

They were in the nursing home for different reasons. Mendieta, 96, had multiple health conditions, but was alert and spoke in Spanish with his family when they visited, which was often, according to a lawsuit filed this week in Broward Circuit Court. Eatherly, 78, had Alzheimer's and no family. Her last visit was nearly nine years ago from a longtime friend and former caretaker.

Both died under the same sweltering conditions on Sept. 13, three days after Hurricane Irma knocked out power to the facility's central air conditioning.

In separate lawsuits filed this week, Mendieta's and Eatherly's survivors accuse the nursing home's administrators and staff of failing to evacuate the facility after the AC crashed and the temperature spiked. Their suits are the third and fourth by former residents against the Hollywood Hills nursing home, which is owned by Jack Michel, a physician and president of Larkin Community Hospital in South Miami.

Michel wouldn't comment on the lawsuits. Julie Allison, an attorney representing the nursing home, could not be reached Tuesday.

But unlike the lawsuits filed last week by residents who survived the nursing home's evacuation on Sept. 13, the two new suits allege that Florida Power & Light was at fault as well as the nursing home.

Carlos Silva, a Coral Gables attorney representing Mendieta and Eatherly in the lawsuits, said the nursing home's administrators had the greatest responsibility to ensure the safety of its patients but that the state's largest electric utility should have prioritized the nursing home for power restoration and done a better job of maintaining its infrastructure.

"FPL has a lot of responsibility here," Silva said. "They were notified several times of the problems this nursing home was having. ... If they had been on a priority list, they would have gotten to them within 10 hours and these people would have been OK."

Peter Robbins, an FPL spokesman, wouldn't talk about the utility's efforts to restore power to the Hollywood Hills nursing home, which has become a crime scene since 141 patients were evacuated last week. Nine residents died, including Mendieta and Eatherly.

"We extend our deepest sympathies to those who lost their loved ones," Robbins said in an email. "Because of the current investigations associated with these tragic events involving the nursing home, we are limited in what we can say."

Last week, FPL issued a similar statement that noted "a portion of the facility" had power, and that Memorial Regional Hospital is steps away from the nursing home.

The conditions inside the Hollywood nursing home where eight died

Carmen Veroy's 89-year-old parents, Libia and Gabriel Giraldo, survived the ordeal — but Veroy said she could not fathom the overheated conditions in the rehab center until her sister sent her a video of the hallway scene during a visit Tuesday night.

The Veroy Family

The nursing home was required to have a permanently installed generator. But nursing home officials said the generator only powered the lights, medical devices and appliances. A separate transformer, with no backup generator, supplied power to the central air conditioning.

FPL also said in its earlier statement that utility representatives had met with Broward officials to identify critical facilities that would take priority for power restoration.

"While this nursing home was given a level of priority, in working with county officials, other critical facilities, such as hospitals and 911 centers, were identified as higher priorities," read the FPL statement.

It's not clear why the Larkin Community Hospital Behavioral Health Center, which is in the same building as the Hollywood Hills nursing home, was not prioritized for power restoration even though it is licensed by the state as a hospital.