

SPANGENBERG SHIBLEY & LIBER

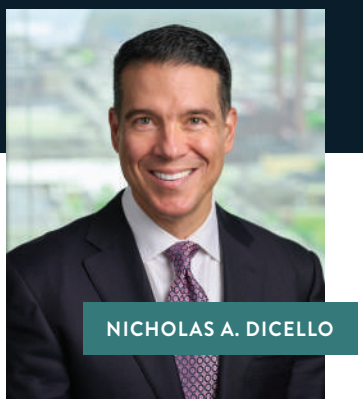
TRIAL LAWYERS

EST. 1946

SPRING 2026 NEWSLETTER

Spangenberg Secures Justice in Nursing Home Neglect Case Leading to Resident's Death

$5 MILLION VERDICT


NICHOLAS A. DICELLO


DUSTIN HERMAN

Spangenberg Shibley & Liber attorneys Dustin Herman, Nicholas DiCello, and Abigail Hoover secured a $5 million verdict for the family of a 78-year-old woman who died due to nursing home neglect. "What was different about this case was the fact that all the defendants agreed this was a wrongful death case due to someone's negligence—and that was the very first thing I told the jury in opening statement," Dustin said. "What the defendants disagreed about was who was negligent and who, ultimately, was responsible for her death."

The incident began at the nursing home, where staff were transporting the woman using a Hoyer lift that was missing a safety clip. The lift should have been taken out of service, but the nursing home had not properly inspected or maintained the lift. During the transfer, the lift's strap fell off the spreader bar, causing the woman to fall and hit her head. The fall resulted in a subdural hematoma—a brain bleed.

The nursing home sent the woman to the hospital for evaluation. There, a radiologist reviewed her CT scan but failed to identify the brain bleed and reported the scan as negative. Relying on that reading, the emergency room doctor sent the woman back to the nursing home.

Back at the facility, she continued receiving her prescribed blood thinner medication. After 48 hours, her condition deteriorated, and the woman could not speak. She was transported back to the ER, where doctors discovered a large brain bleed. Surgery was not an option for her, and she died from the bleed two weeks later.

The nursing home admitted liability for the fall but argued the radiologist and ER doctor were also responsible for her death because they missed the bleed on the initial CT scan. At trial, the nursing home told the jury to place 80% of the blame on the radiologist and ER doctor, while the radiologist and ER doctor argued the nursing home was 100% responsible. Ultimately, the jury found the nursing home to be 100% at fault for this wrongful death and returned a verdict of $5 million for the family.

"Many people experience the loss of a loved one," said Dustin. "But when it's preventable and is the result of mistreatment, it hurts so much more, and the family members often feel anguish for the rest of their lives. This is especially true when someone trusts an institution to take care of their loved one, and that trust is betrayed."

The woman's son and niece testified, talking about the woman's large extended family and how much she meant to the entire family. Many other family members were in the courtroom at various parts of the trial.

"When the jury came back to the courtroom and was allowed to talk to the decedent's son, two of the jurors embraced him, sobbing and telling him how sorry they were for his loss, what a great family he had, and what a great woman his mother was," Dustin said. "They brought him into the jury box with the rest of the jurors, and every single juror gave him a big hug. It was a really special moment."

"The jury understood and appreciated the significance of the loss and anguish this family suffered from losing their mother, grandmother, and aunt in the way they did."

Family Finds Justice After Young Mother's Death in Malpractice Case

$18.5 MILLION SETTLEMENT



NICHOLAS A. DICELLO

Spangenberg Shibley & Liber Partner Nicholas DiCello recently achieved an $18.5 million settlement in a medical malpractice case on behalf of the family of Felicia Garza, a 30-year-old mother of three who died following a routine gallbladder surgery.

Felicia lived with antiphospholipid antibody syndrome, a rare clotting disorder that required careful and continuous management with anticoagulation medication. Despite her known condition and a history of close oversight by her hematologist, serious communication failures and lapses in hospital policy led to a preventable tragedy.

According to Nick, "Felicia's case was about a cascade of missed steps — steps that any patient has a right to expect their medical team will get right. This wasn't a matter of bad luck; it was a matter of avoidable error."

In reviewing hospital procedures, the Spangenberg team uncovered outdated and inconsistent protocols governing how the medication should be managed before and after surgery. Felicia was administered a full dose of anticoagulant immediately before her operation — a clear deviation from the standard of care — and sent home without proper documentation or coordination with her hematologist. Within 48 hours, she collapsed and later passed away.

"This family's story is heartbreaking," Nick said. "Three young children lost their mother because key safeguards weren't followed. Our work was about uncovering how and why that happened — and making sure it doesn't happen again."

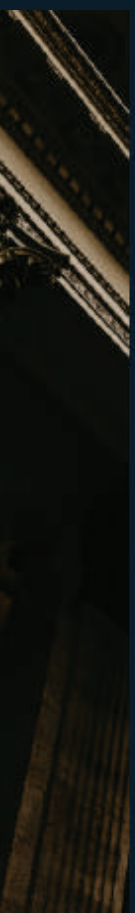
The case also exemplified the power of collaboration within the legal community. Nick worked alongside Attorney Kristin Roberts of Kampinski & Roberts, who originally investigated the case and joined forces with Spangenberg to pursue justice for Felicia's family. "Kristin was an exceptional partner," Nick said. "Her insights and professionalism brought tremendous value to the case, and this outcome wouldn't have been possible without that teamwork."

The $18.5 million settlement, now approved by probate court, will help secure the future of Felicia's three children and stands as an important reminder of the need for vigilance and accountability in patient care.

> ***"At the heart of every case like this," Nick added, "is a family who just wants to know the truth. When we can deliver answers — and justice — that's when this work matters most.***

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TRIAL PRACTICE AND LITIGATION INSTITUTE 2026

You're invited to the 2026 Spangenberg Trial Practice and Litigation Institute on Thursday, May 28, from 11:30 a.m. to 5:00 p.m. at the Cleveland Metropolitan Bar Association. Learn the latest techniques in litigation and trial practice and receive 4.0 total CLE credits (3.0 hours general; 1.0 hour ethics).

In honor of founding partner Craig Spangenberg's commitment to justice, 100% of the $150 registration fee will benefit The Legal Aid Society of Cleveland. Visit the website for registration and additional details, including topics, speakers, and the agenda.

REGISTRATION FEE: $150

Paid directly to The Legal Aid Society of Cleveland

4 TOTAL CLE CREDIT HOURS

(3 hours general;
1 hour ethics)

REGISTER NOW

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11:30 a.m. - 5:00 p.m.

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