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Salem-based Sunwest faces suit by residents

MICHEAL ROSE
Appeal Tribune
April 4

Residents of a Sheridan assisted living facility have hauled Sunwest Management Inc. into court, accusing the Salem-based senior housing manager, which also manages a Stayton facility, of charging for services it doesn't provide.

The litigation threatens Sunwest with a class-action lawsuit, which could potentially have several thousand plaintiffs. Fifty residential facilities in Oregon operated by Sunwest, including those in Stayton, Keizer, Monmouth, and Woodburn, are named in a lawsuit filed in Multnomah County Circuit Court.

Sunwest issued a statement calling the lawsuit "frivolous and inaccurate."

"We look forward to addressing the issues in the lawsuit via the judicial process where we are confident that the true facts of the situation will come to light," the company stated.

At the heart of the dispute: allegations that Sunwest's standard admission agreement misled residents about the number of staff available to provide daily care, such as help with medication.

Sunwest understaffed assisted living homes and "made a considered decision to promote profit at the expense of their contractual and legal obligations to residents," according to the lawsuit.

The lawsuit demands that Sunwest stop the alleged unlawful trade practices. It seeks an unspecified amount of restitution, attorney fees, and other relief from the court.

The lawsuit needs to be certified as a class action before it advances.

Named as representative plaintiffs in the suit are 81-year-old Cathleen Naylor and 80-year-old Gwen Olmstead, two residents of Sunwest-operated Deer Meadow Assisted Living in Sheridan.

The octogenarians are on a "residence council" at Deer Meadow, which fields complaints from its residents, said Kathryn Stebner, a California attorney who filed the lawsuit.

"They go to the administrators, but nothing really changes," Stebner said.

The cost to live in the Sunwest facility starts at about \$1,500 a month, the attorney said.

While residents are sometimes encouraged to pay for more services, the facility doesn't add more or better trained staff to provide additional care, Stebner said.

In court papers, the plaintiffs' allege staff ratios described in admission agreements counted all staff members "even those who were not employed to or qualified to act as caregivers."

Sunwest manages retirement, assisted living and memory-care communities. The senior housing owner and operator has about 180

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facilities nationwide. Among the many Sunwest facilities named in the lawsuit suit:

- Lakeside Assisted Living & Cottages, Stayton.
- River Road Assisted Living, Keizer.
- Lakeside Cottages Retirement, Stayton.
- Heron Pointe Assisted Living, Monmouth.
- Colonial Gardens Residential Care, Woodburn.
- Silver Creek Assisted Living, Woodburn.

In January, Sunwest settled three lawsuits that accused it of ignoring staffing problems at its Meadowlark Assisted Living facility in Yreka, Calif. The California suits alleged staffing issues contributed to residents suffering serious, and sometimes, fatal injuries from falls. Terms prevented attorneys from discussing details of the settlements.

Stebner, the same attorney who filed the recent lawsuit in Oregon, also represented families in the Meadowlark cases.

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