

Woodburn, OR
(Marion Co.)
Woodburn
Independent
(Cir. 2xW. 4,256)

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Allen's P. C. B. Est. 1888

Colonial Garden is one of 50 residential care facilities operated by Sunwest Management of Salem that are part of a class action lawsuit.

966 Lawsuit tabs local centers



Colonial Garden and Silver Creek Assisted Living are part of larger class action lawsuit

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WOODBURN — Two senior residential facilities in Woodburn are among those named in a class action lawsuit filed March 22 in Multnomah County Circuit Court.

The lawsuit names the 50 residential facilities in Oregon operated by Sunwest Management of Salem. Court papers claim the homes for seniors charge for services that “the management has no intention of providing.”

“This is about broken promises for higher profits,” stated elder rights attorney Kathryn Stebner, who filed the lawsuit. “It’s shameful that Sunwest is preying on our senior citizens and their families at such a vulnerable time.”

Among the homes named in the suit are Colonial Gardens Residential Care, 1890 Newberg Hwy., and Silver Creek Assisted Living, 703 Evergreen Rd., both in Woodburn. Many of the Sunwest centers in Oregon are in small towns and communities.

“Our company has enjoyed a long history of quality oper-

ations in a variety of states; and we deeply regret the filing of this frivolous and inaccurate claim. We also deeply regret the actions of a handful of trial lawyers who file such misguided class action lawsuits in a variety of states in order to advance their own practices, as opposed to doing what is truly best for residential care center residents and senior citizens in general.” said J. Wallace Gutzler, executive vice president and general council for Sunwest Management, Inc. in Salem.

Gutzler stated that the firm manages 240 facilities in 38 states; with nearly 10,000 residential care residents and that the suit only names two individuals that live in a Sheridan facility.

The lawsuit claims that residents’ contracts promise care and services of a certain quality. However, Stebner alleges the contract fails to state that the facilities and Sunwest Management cannot and do not provide those services.

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INVESTIGATIVE REPORT

Lawsuit: One side charges 'unlawful business practices,' the other calls it 'frivolous'

(Continued from page 1)

"The defendants' unlawful business practices which caused, and continue to cause, injury in fact to plaintiff and the class stem from their uniform under-funding and understaffing of their facilities which prevents the defendant facilities from providing care and supervision to its residents in direct contravention of laws and regulations governing the operation of residential facilities in the State of Oregon," continued Stebner, formerly from Oregon now residing in San Francisco and who has practices in Oregon and California.

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

The lawsuit states that Naylor and Olmstead signed contracts for services at Deer Meadow that were never provided.

It also charges the facility is in violation of state laws governing the operation of residential

facilities. Naylor has been a resident of the home since February 2004 and Olmstead since January 2003.

Stebner says there are up to 60 residents in each Oregon center, which would put the potential total number of plaintiffs at about 3,000. Stebner is co-counsel in a similar class action lawsuit against Sunwest in California. Sunwest operates more than 200 residential facilities for seniors nationally. About 25 percent of them are in Oregon and the company's headquarters is in Salem.

"In the coming weeks and months, 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." Gutzler further stated. "Until then, we will continue to work hard in keeping with our mission of bringing a premier senior lifestyle to mature adults, allowing them to be healthy, vital and vigorous members of their respective communities in which we are privileged to provide care."

9/6/04