

News **Wrongful Death**

50 Depositions and No Video: \$23.6M Gwinnett Case Built on Circumstantial Evidence

A Gwinnett County State Court jury has awarded a \$23.6 million verdict following the death of a nursing home patient who tested positive for medications he'd not been prescribed.

September 08, 2026 at 11:57 AM By  **Cedra Mayfield**



Evan W. Jones (left) of Blasingame, Burch, Garrard & Ashley and Lance D. Lourie of Cunningham Bounds. Courtesy photos

What You Need to Know

- Gwinnett County State Court jury returns \$23.6 million verdict following death of PruittHealth-Fitzgerald nursing home patient who tested positive for medications he had not been prescribed.
- Eight-figure outcome achieved by collaborating plaintiff counsel with Blasingame, Burch, Garrard & Ashley in Athens and Cunningham Bounds Trial Attorneys in Atlanta.
- Defended by litigators with Troutman Pepper Locke, PruittHealth-Fitzgerald LLC, PruittHealth Inc. and United Health Services of Georgia Inc. have indicated an intent to appeal the verdict.

A Gwinnett County State Court jury has awarded a \$23.6 million verdict following the death of a nursing home patient who tested positive for medications he'd not been prescribed.

Collaborating plaintiff counsel with Blasingame, Burch, Garrard & Ashley in Athens and Cunningham Bounds Trial Attorneys in Atlanta credited the eight-figure outcome, in part, to their ability to uncover and leverage circumstantial evidence in their clients' favor.

As plaintiff counsel now outline how 50 depositions, medical records and additional discovery factored into their prevailing trial strategy, defendants have indicated to Law.com that the matter might not be over as they now explore appellate options.

'Administered the Medications to Control ... Behavior'

Litigators Evan Jones, Josh Wages, Lee Atkinson and Alex Hughes of Blasingame, Burch, Garrard & Ashley teamed with Cunningham Bounds Trial Attorneys Lance Lourie, Jessica Lourie and Kaylee Rose to represent the estate and family of John Owens Jr. The former teacher, baseball and basketball coach at Fitzgerald High School in Ben Hill County, Georgia, died in March 2021 while living at PruittHealth-Fitzgerald nursing home in Fitzgerald.

According to an amended complaint filed in Gwinnett County State Court by Owens' two surviving sons, Matthew and John Owens III in September 2025, Owens' "urine samples tested positive for unprescribed morphine, hydrocodone and lorazepam" on more than one occasion. Plaintiff counsel told Law.com Owens lacked prescriptions for those medications, before noting "that only nurses at the facility had access to the controlled medications."

"According to the evidence, nurses administered the medications to control the coach's behavior because the facility was understaffed and they were overwhelmed," plaintiff counsel Jones said. "The case also involved evidence of chronic understaffing while the coach was a resident, spoliation of surveillance video and an attempt by the facility's administrator to conceal what had occurred."

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Litigators with Troutman Pepper Locke and Huff, Powell & Bailey collaborated as defense counsel. Troutman Pepper Locke lawyers Brett A. Mason and Charles Peeler led defense for PruittHealth-Fitzgerald LLC, PruittHealth Inc. and United Health Services of Georgia Inc.. Meanwhile, Huff, Powell & Bailey attorneys Daniel J. Huff and Sarah E. Akinosho initially defended registered nurses Linda Gail Cliett and Benjamin K. Loden, licensed practical nurse Shalia K. Jones. However, Loden and Jones were dismissed from the matter before trial.

Defense counsel did not respond to a Law.com request for comment about the case. In a consolidated pre-trial order, defense counsel disputed that Owens had been improperly drugged by staff at PruittHealth. In addition to countering that the facility had been adequately staffed and nothing the defendants did caused Owens' death, defense counsel argued that the corporate defendants could not be held responsible under the theories asserted by the plaintiffs.

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"The biggest hurdle was that PruittHealth denied this ever happened despite evidence that it did," plaintiff counsel Lourie told Law.com. "We overcame that by leaving no stone unturned. We took more than 50 depositions and filed multiple motions to compel. Ultimately, we overcame it through a lot of hard work, trial preparation and dedication."

\$23.6 Million Verdict



Gwinnett County State Court Judge Shawn F. Bratton. Courtesy photo

With the parties at odds over liability, the dispute proceeded to a jury trial before Gwinnett County State Court Judge Shawn Bratton on Aug. 10. Leading up to trial, plaintiff counsel noted they'd leveraged AI "primarily as an efficiency tool."

"AI has become a mainstay not only in the practice of law but throughout society," Jones said. "It helped us better organize and manage large volumes of case information, allowing us to work

more efficiently and make better use of our time."

During trial, plaintiff counsel focused on overcoming defense counsel's assertion that "the unauthorized administration of the medications either did not occur or, if it did, caused no harm or did not contribute to the coach's death." To do so, plaintiff counsel directed the jury's attention to supporting evidence they'd uncovered during discovery. The plaintiff team highlighted deposition and witness testimony, including that of the facility's former medical director—whom plaintiff counsel deemed "a principal trial witness at trial."

"The circumstantial evidence showed that it had to be a PruittHealth nurse because only nurses had control of the narcotic keys," Jones said. "There was also a significant change in the coach's condition that even PruittHealth's own nurses said was consistent with a drug reaction."

Lourie added that "two positive lab results, ordered by two different physicians, showed that the coach had received three unprescribed medications."

"One of those physicians was the facility's medical director, who was terminated because he brought the issue to the administrator's attention," Lourie said. "The administrator refused to recognize the significance of the lab results."

Plaintiff counsel also directed the jury's attention to spoliated surveillance video that they argued "would have shown who had access to the medication carts and who entered the coach's room during the relevant time periods."

After resting their respective cases, plaintiff counsel said the parties withdrew settlement offers after unsuccessfully attempting to reach a resolution.

Following the close of the two-week trial's arguments, the Gwinnett County State Court jury deliberated for more than three hours before returning a trial phase one verdict awarding \$12.6 million to Owens' estate for his pain and suffering on Aug. 24. After 40 additional minutes of deliberations, jurors returned a trial phase two verdict awarding \$11 million to Owens' surviving family for the full value of the decedent's life.

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Plaintiff counsel applauded the outcome for its ability to help ensure corporate accountability.

"Nursing homes need to be held accountable for the way residents and their families are treated," Jones said. "One important issue in this case was that PruittHealth never notified the family about the allegations. The family instead learned about them from the facility's medical director, who had been terminated after bringing the issue to the administrator's attention. That is ultimately what led the family to file the lawsuit."

Lourie agreed.

"It was a long process, and it was rewarding to finally get to the courthouse and have a jury decide this case," Lourie said. "The family is satisfied with the result, but it is unfortunate that they had to file a lawsuit to get answers about what happened to their father."

Unlike plaintiff counsel, defense counsel did not respond to Law.com's request for comment when contacted about the verdict. Instead, PruittHealth communications staff provided Law.com with

the following statement:

"We extend our deepest sympathies to the Owens family and recognize the profound loss they have experienced. At the same time, we strongly disagree with the jury's verdict and do not believe it is supported by the evidence presented at trial. We believe there are significant legal and evidentiary issues that warrant further review, and we intend to pursue all available post-trial and appellate options. We are committed to providing quality care and support to the patients, residents and families who rely on us every day. We respect the judicial process and appreciate the jury's time and service. Because the legal process is ongoing, we will not comment further."

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