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Legionnaire's disease victim sues retirement home

Man files \$225 million lawsuit against Stadium Place developers and others

By Tricia Bishop, The Baltimore Sun

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"Big" Max Taylor Jr. barely survived the Legionnaire's disease he contracted last year while living at a Baltimore retirement community for low-income seniors, but he's not sure his current existence quite qualifies as living.

His speech is slurred, his balance is off, and he uses a walker to get from place to place — effects of the stroke he says was brought on by the Legionnaire's. He's had to move from Baltimore, where he was born and raised, to Charlotte, N.C., so his grown son, "Little" Max Taylor III, can tend to his basic needs. And he can't stand any of it.

"I didn't need nobody; now I have to depend on my son," said Taylor, 67, in a recent phone interview. "It's terrible."

But the worst part, say the Taylors, who filed a \$225 million lawsuit Wednesday against the retirement community's owners and others, is that the bacteria that causes the disease might not be gone from Stadium Place apartments, where it sickened at least 10 people and killed one last fall.

A March report by the federal Centers for Disease Control and Prevention, which analyzed the outbreak, concluded that cleanup efforts have not eradicated the risk.

"To date, several environmental interventions at the apartment complex have been only partially successful," reads the report, which was obtained by the Taylors' attorneys — Weltchek Mallahan & Weltchek LLC — through a Freedom of Information Act request.

"Colonization has been reduced, but not eliminated," the CDC report said.

City and state health officials, who are monitoring the situation, say the threat has been contained and that there's no evidence of danger.

"At this point, we see that the facility is not at risk," said Olivia D. Farrow, Baltimore's interim health commissioner. They've done extensive testing and flushing of the water systems, she said, and "haven't seen any additional cases."

Legionnaire's bacteria thrive in warm water, and the disease — a deadly form of pneumonia — spreads through inhalation. It causes flu-like symptoms that usually can be treated with antibiotics but can be

fatal for those with compromised immune systems, like many elderly people. About 100 cases are diagnosed in Maryland each year.

A visitor to Stadium Place, a four-building complex at the former site of Memorial Stadium, came down with the disease as late as December, according to health officials and property managers. Water restrictions were in effect through February.

The CDC, which refers to Taylor as "Case 5" in its report, says that something — at least on the days that water samples were collected — appears to be consuming the chlorine that is supposed to disinfect the senior facility's water. So far, no one knows what it is or why it's happening.

The city and state health departments have yet to issue a report on their joint investigation. And a website created to provide information about the outbreak to Stadium Place residents has not been updated for six months.

Some of those who live there say they haven't heard a word about Legionnaire's since then. And they still won't drink the water. Most buy bottled water at their own expense, residents said Wednesday, even though Legionnaire's disease isn't spread through drinking water.

"That water is still bad," said a man sitting outside in the shade with a half dozen others. "A lot of the people are scared to say so." He declined to give his name, as did others, who said they didn't want to cause trouble where they lived.

The Stadium Place residences were conceived in 1999 as an affordable retirement community for low-income seniors, ages 62 and older. The first apartment building opened at the site in the Ednor Gardens-Lakeside community in 2004, and the fourth was finished in 2008.

On the whole, the \$50 million development has been widely praised as the right mix of recreation and inexpensive assisted living. But problems developed after the city Department of Public Works began work on the water main leading into the apartment complex last August, part of a multimillion-dollar project to rehabilitate neighborhood water mains.

A temporary line was installed in mid-August 2009 to serve the apartment complex, after which residents and managers noted service disruptions and changes to water quality, according to the CDC report.

Such events have frequently been blamed for introducing Legionella colonization.

A month later, the first resident came down with Legionnaire's disease. A 71-year-old man with a history of hypertension was hospitalized for three days and diagnosed Sept. 16.

On Sept. 24, a 77-year-old woman with a history of cardiac disease got sick. She was hospitalized Sept. 28, diagnosed Sept. 29 and died Oct. 5. Her son, who visited often, later developed the disease and was hospitalized the day his mother died. He survived.

"Big" Max Taylor Jr., who moved into the development to care for his elderly father, got sick around Oct. 7. Colleagues found him on his apartment floor, where he had lain unconscious for two days. He drove a school bus to make a living, having retired earlier from the Maryland Transit Administration.

Doctors gave him three days to live. He was in a coma, had multiple organ dysfunction and acute renal failure, and he had a stroke Oct. 9. He held on, surviving via feeding tube and the tracheotomy that opened an airway in his throat. Taylor was in the intensive-care unit of Union Memorial Hospital for 24 days, then was transferred to the University of Maryland Medical System for eight weeks of rehabilitation.

On Oct. 14, property managers warned residents of the Legionella risk, and an informational meeting was organized for Oct. 16, a month after the first case was discovered.

Seven others received a diagnosis of Legionnaire's disease, and all but one had to be hospitalized. The outbreak terrified residents and perplexed authorities, who never found the cause.

"It's a scary kind of thing for people," said Dr. David Blythe, state epidemiologist in the Maryland Department of Health and Mental Hygiene.

His agency has worked with the city Health Department to determine what happened at Stadium Place, and they continue to monitor the water there. It's looking good, he said, with chlorine levels normal and no major Legionella concerns.

Blythe suggested that the chlorine concentrations might have been off on the days the CDC took measurements. And he notes that Legionella bacteria occur naturally in water. But high concentrations — or colonizations — of certain strains can be dangerous, and that's what they're looking for.

The city and state health agencies plan to submit a report by the end of the month.

But the Taylors' lawyers question whether enough is being done. Water-use restrictions were lifted then resumed after a visitor to Stadium Place contracted Legionnaire's in December.

"They haven't been right in the past, in terms of the safety of living there and the fact that the CDC report doesn't tell you they've eliminated the risk," said Robert Weltchek.

"If it were a Hyatt or a Marriott or a Renaissance hotel downtown, the chain would close down and move the occupants," Weltchek said. "But these people don't have a lot of options. These are senior citizens on no income or low income. Their options are limited."

Weltchek's son and law partner, Nolan Weltchek, filed the lawsuit Wednesday in Baltimore Circuit Court on behalf of "Big" Max Taylor. It alleges negligence and seeks \$225 million in compensatory damages and other relief.

There are 10 defendants, half of whom are defined as owners or developers of the complex, including the Baltimore-based master developer, Govans Ecumenical Development Corp., which joins with faith communities to build affordable residences with support services.

GEDCO's deputy director, Lin Romano, said she had not reviewed the lawsuit and could not comment on it.

"The health and safety of our residents is always our utmost concern," she said, adding that the property managers and developers have worked closely with the Health Department to remediate any problems.

For the Taylors, that is small comfort.

"My father's life will never, ever be the way it was prior to his sickness," "Little" Max Taylor said.

Timeline

Aug. 14, 2009 — A temporary water line is installed to serve the Stadium Place apartments so maintenance can be done on the main line.

Sept. 11 — The first case of Legionnaire's disease develops.

Oct. 5 — A 77-year-old woman with Legionnaire's dies. Her son comes down with the disease, but survives.

Oct. 6 — The woman's family notifies the Health Department about the Legionnaire's infection.

Oct. 14 — Residents are notified of the Legionnaire's risk via flier. A meeting is held two days later.

Dec. 21 — The 10th case of Legionnaire's disease is diagnosed in a Stadium Place visitor.

Feb. 1, 2010 — The last of the water-use restrictions at Stadium Place is lifted.

Aug. 11 — Max Taylor Jr., Legionnaire's "Case 5," files a \$225 million lawsuit in Baltimore Circuit Court.

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