
ESTATE CANNOT RECOVER “INHERENT VALUE OF DECEDENT’S LIFE” UNDER APSA

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Estate of Mary Winn v. Plaza Healthcare, Inc.
Ct. Appeals, Div. One, August 10, 2010

Authored by the [JSH Appellate Team](#)

Mary Winn died in a nursing facility after residing there for less than a month. Her estate sued the nursing facility under Arizona’s Adult Protective Services Act (APSA), alleging abuse of a vulnerable adult. Winn had no lost earning capacity or potential, and no pre-death pain and suffering. There was no wrongful death claim because the suit was brought after the wrongful death statute of limitations had expired. And there was no punitive damage claim. The Estate therefore argued that it should be able to recover damages under APSA for the “inherent or intrinsic value” of Mary Winn’s life. The trial court denied the Estate’s motion for summary judgment on this point, ruling that such damages were not compensable under APSA.

The court of appeals affirmed. APSA specifically delineates those damages that are recoverable if liability is established: “actual and consequential damages, as well as punitive damages.” The court refused to broaden the scope of recoverable damages to include the loss of life, believing that doing so was a legislative function, not a judicial one. The court also noted that an APSA claim is “supplemental” to other causes of action, including a wrongful death claim, and had the Estate timely filed such a claim, it could have recovered additional damages under the wrongful death statute.