

Costa Del Sol Healthcare's Motion to Compel Binding Arbitration Denied

Vigna Law Group discusses the inadequacies of binding arbitration

LOS ANGELES, CA, UNITED STATES, August 22, 2026 /EINPresswire.com/ -- "If a party lacks the legal capacity to enter into a contract, their arbitration agreement cannot be enforced." explains Algo-Heyres v. Oxnard Manor LP (2023) 88 Cal.App.5th 1064, 1067.

Dr. Greg Vigna, MD, JD, California bedsore attorney, and expert on pressure injuries, states, "We push forward away from the inadequacies of binding arbitration. We view nursing home and hospital pressure injuries as more than just a negligent act and one that points to systemic failures of healthcare facilities that relate to staffing levels, education and training, and other resource allocation decisions that lead to rationing of necessary custodial care, that causes 'Never Event' injuries."



Dr. Greg Vigna

The National Quality Forum considers the following 'Never Events':

- "Any Stage 3, Stage 4, and unstageable pressure ulcer acquired after admission/presentation to a healthcare setting
- Patient death or serious injury associated with the use of physical restraints
- while being cared for in a healthcare setting."

National Quality Forum, List of Serious Reportable Events:

https://www.qualityforum.org/Topics/SREs/List_of_SREs.aspx

In Nesby vs. East Los Angeles Healthcare, LLC, DBA Costa Del Sol Healthcare, the motion to compel arbitration was denied (Case: 26sTCV02191)

"The Court finds that such evidence is sufficient to show deficits in mental functioning related to 'information processing, thought processes, and ability to modulate mood and affect.' Thus, the Court finds that Plaintiff has introduced sufficient evidence demonstrating that decedent was not competent to enter into an arbitration agreement."



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Greg Vigna, MD, JD

What is the morbidity and mortality of stage 4 pressure injuries with osteomyelitis?

A. "We describe treatments and outcomes of hospitalized patients with decubitus ulcer-related osteomyelitis who did not undergo surgical reconstruction or coverage.

B. Within 1 year, 56 (63%) patients were readmitted, 38 (44%) patients were readmitted due to complications from osteomyelitis, and 15 (17%) died.

C. We found no significant differences in readmission, readmission related to osteomyelitis, subsequent sepsis, or death by treatment group."

Read Therapeutic Advances in Infectious Disease. Volume 10, pg. 1-9. 2023:

<https://journals.sagepub.com/doi/full/10.1177/20499361231196664>

Greg Vigna, MD, JD, is a national malpractice attorney, a California attorney, and an expert in wound care. He is available for legal consultation for families and patients who have suffered decubitus ulcers because of poor nursing care at hospitals, nursing homes, or assisted living facilities. [The Vigna Law Group](#), with Ben Martin Law Group, prosecutes hospital and nursing home neglect cases that result in bedsores nationwide along with Depo-Provera and Meningioma cases across the Country including five cases selected for Bellwether Trials in the CA JCCP.

[Watch Justice with Dr. V's episode on pressure ulcers:](#)

[Read Dr. Vigna's book](#), Beneath the Surface: The Legal Perspective on Decubitus Ulcers and Patient Advocacy.

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