

LAWYERS WEEKLY

Group home patient jumps out of window

Man with schizophrenia had unsupervised access at home's unsecured spot

\$312,500

In a negligence lawsuit filed in Oakland County Circuit, plaintiff Khairy Barash, serving as next friend of Tariq Barash, sought compensatory damages from Mentors of Michigan, Inc. after injuries sustained from falling from the window of a group home.

In January 2009, Barash was a resident at a Troy-based group home operated by defendant Mentors of Michigan. He was admitted because of inflections brought on by his various medical conditions, including schizophrenia, for which Barash had a legal guardian and was ordered monitored at all times.

Before entering the group home, Barash was being supervised and monitored by Easter Seals Michigan Inc., which recommended his transfer to a group home that could better control his symptoms and provide for his safety. The treatment plan stated that Barash needed to be "monitored 24 hours a day, 7 days a week" in or-

Type of action:
Negligent supervision of a mentally impaired individual

Type of injuries:
Fractured left femur

Name of case:
Barash, et al. v. Mentors of Michigan, Inc., et al.

Court/Case no./Date: Oakland County Circuit Court; 2010-828,867-CA; April 20, 2010

Settlement amount: \$312,500

Insurance carrier: York Claims Service

Attorney for plaintiff: James O. Elliott

Attorney(s) for defendant: Withheld

der to keep him from harming himself.

One of the more noticeable and well-documented symptoms was his tendency to jump out of windows or off other elevated surfaces, something the home's management was fully aware of and recognized the need for safeguarding against it.

Although the group home is a ranch style, it is situated atop a hill such that one end of the house sits two stories high, and the garage is on the first story. Leading to the garage is a concrete driveway. Of all the windows in the home's establishment, only two overlook the driveway and are two stories high.

The home failed to secure these windows and allowed Barash unsupervised access to them. As a result, Barash leapt from the window and fell more than 13 feet to the

ground, where he lay unconscious for an unknown amount of time. Barash fractured his left femur, which caused substantial injury to his hip area, cut open the left side of his forehead, and sustained bruising and swelling to his head as well.

Plaintiff asserted defendant was negligent because the only two windows in its establishment with more than a one-story drop outside of them were unsecured. It also was contended that the home did not properly supervise plaintiff, especially in the vicinity of the windows given their knowledge of his tendency to jump out of windows.

Defendant asserted it was not negligent by failing to secure the windows and that adequate supervision was provided.

The matter settled for \$312,500.