

Estate Of Alzheimer's Patient Awarded \$600K In NJ Death Case

By **P.J. D'Annunzio**

Law360 (June 21, 2024, 7:37 PM EDT) -- A New Jersey jury awarded \$600,000 to the family of a psychiatric hospital patient with Alzheimer's who died after sustaining several fractures and a traumatic brain injury at the facility, a Philadelphia law firm announced Friday.

The jurors in the Middlesex County court reached a verdict after three weeks of trial, finding liability on the part of Carrier Clinic — the hospital in Belle Mead where 72-year-old Howard Pitchersky died — as well as the nurse supervising his unit and the mental health technician who tried to restrain him, according to a statement from injury firm Kline & Specter.

The jury apportioned 65% fault to supervising nurse Cheryl Colangelo and 35% fault to technician Christian Menjivar in its verdict for pain and suffering rendered Tuesday.

According to Kline & Specter, Pitchersky was committed to the facility Jan. 1, 2020, with symptoms related to advanced Alzheimer's. Physicians prescribed Pitchersky a constantly varying list of medications including a combination of antipsychotic drugs, sedatives, benzodiazepines and mood stabilizers, which the firm said increases the risk of falling.

While staying at the facility, he became increasingly paranoid and aggressive. Despite that, the firm said, hospital staff did not adjust his care plan accordingly to reduce the risk of falling.

During a Feb. 14, 2020, altercation with staff during which Pitchersky allegedly tried to punch someone, Menjivar attempted to restrain him, causing Pitchersky to "nose dive" and fall face first on the ground with Menjivar on top of him, according to the firm.

As a result of the fall, Pitchersky suffered over a dozen fractures to the face, skull, neck and ribs, and a brain injury that led to internal bleeding. He died a month later.

"The defense argued Menjivar had to make a split-second decision to protect himself and that his attempt at restraint was permissible," the firm said.

"We are grateful that this Middlesex County jury paid close attention to the evidence at trial and held Carrier Clinic and its agents accountable for failing to ensure their vulnerable patient Mr. Howard Pitchersky was safe under their care," Kline & Specter attorneys Lori Donnelly and Melissa Baxter said in the statement.

An attorney for the defendants declined to comment Friday.

The estate is represented by Lori Donnelly and Melissa Baxter of Kline & Specter PC.

The defendants are represented by Sean Buckley of Buckley Theroux Kline & Cooley LLC.

The case is Dori Pace as Administrator for the Estate of Howard Pitchersky v. Hackensack Meridian Health Inc. et al., case number MID-L-7217-21, in the Superior Court of New Jersey.

--Editing by Janice Carter Brown.