

Jury awards \$600K to estate of man fatally injured at Carrier Clinic

Story by Mike Deak, MyCentralJersey.com

NEW BRUNSWICK – The estate of a man who died after being injured in an incident at a Somerset County psychiatric hospital has been awarded \$600,000 in damages by a Middlesex County jury.

After a three-week trial before Superior Court Judge Alberto Rivas, a jury found on June 18 that Carrier Clinic, of Montgomery, part of Hackensack Meridian Health, was liable in the death of 72-year-old Warren County resident Howard Pitchersky in March 2020.

The jury also found that a geri-psych unit nurse supervising Pitchersky's unit and a mental health technician were liable.

According to the lawsuit, Pitchersky was admitted to Carrier Clinic on Jan. 1, 2020 for inpatient psychiatric treatment for his behavior issues related to his advanced Alzheimer's.

After his admission, Pitchersky became increasingly paranoid, aggressive, and combative with staff, the lawsuit said, and doctors were adjusting his medications, a combination of anti-psychotic, sedatives, benzodiazepine and mood stabilizer medications.

On Feb. 14, 2020, Pitchersky got up from his geriatric recliner, walked behind it, then tried to ram the chair into a mental health technician, the lawsuit says.

When Pitchersky attempted to assault the mental health technician by swinging his arms, the staffer secured Pitchersky from behind by placing his arms behind his back.

When Pitchersky started to walk away, according to a nurse's report included in the lawsuit, he bent his knees and leaned forward, lifting up the staffer off the floor.

Pitchersky then fell face first onto the floor with the staffer on his back, according to the nurse's report.

Pitchersky was then taken to Robert Wood Johnson University Hospital Somerset where CT scans showed skull fractures and cranial bleeding.

He was transferred to Robert Wood Johnson University Hospital in New Brunswick where rib fractures were also found.

He died on March 17, 2020 with his death certificate listing the cause of death as complications following blunt force injuries to the head and torso.

In court, Hackensack Meridian argued that the staffer had to make a split-second decision to protect himself and that his attempt at restraint was permissible.

Hackensack Meridian had also argued in court papers that was a "complete dearth of evidence" to show the actions of Carrier Clinic and its staffers "were performed with actual malice, which is nothing more or less than intentional wrongdoing, an evil-minded act, or an act accompanied by a wanton and willful disregard of the rights of another. There is no evidence of outrageous or aggravated conduct."

Pitchersky's estate was represented **by Lori Donnelly and Melissa Baxter, attorneys with Kline & Specter of Philadelphia.**

"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," Donnelly and Baxter said in a statement.