

Traumatic Brain Injury – Hotel Stabbing

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Scott M. Carroll

Scott M. Carroll recently achieved a defendant's verdict following a jury trial at Plymouth Superior Court. This traumatic brain injury case arose out of a stabbing that occurred in the lobby of a hotel. The stabbing was perpetrated by a long term guest at the hotel. The plaintiff and his brother, both of whom were stabbed in the incident, were also long term residents at the hotel. The perpetrator was not a party to the case. The claim of the plaintiff's brother, who was working as the front desk clerk, was barred by the Worker's Compensation Statute. The plaintiff brought suit against a father and son, who were officers of the corporation, the corporation, the landlord and a realty trust.

The plaintiff claimed that each of the defendants controlled the lobby and that the assault was reasonably foreseeable to hotel management. There was evidence that the perpetrator, who lived in a unit directly below the brothers, had made repeated noise complaints with respect to the plaintiff's unit over the three months leading up to the stabbing. There was also evidence that the perpetrator was arrested at the hotel several months before the stabbing for a "domestic violence" incident involving his live-in girlfriend. The plaintiff's star witness, his brother, testified that the perpetrator threatened to kill him and his family two weeks before the stabbing.

The plaintiff suffered catastrophic brain injuries as a result of the assault. The perpetrator used a steak knife to stab the plaintiff through the top of the skull and left temple. The stab wound to the head resulted in a traumatic left temporal lobe intracerebral hematoma and large acute subdural hematoma. As a result, the plaintiff underwent a series of surgeries including a left temporal parietal craniotomy. The plaintiff was hospitalized in ICU for approximately three months following the stabbing, at which point he was discharged to a rehabilitation hospital. He remained hospitalized at the rehabilitation hospital for several months before being discharged to an assisted living facility.

By the time of trial, plaintiff had reached a medical end result. The plaintiff has lost the use of his right leg and right arm. The plaintiff's ability to communicate is severely compromised and he was unable to testify on his own behalf at trial. Plaintiff's counsel offered evidence that the plaintiff had incurred approximately \$660,000.00 in medical expenses. The plaintiff is totally and permanently disabled from work. Plaintiff presented evidence that he will require daily assistance for the rest of his life.

The defendant's motions for directed verdict on behalf of the father and the trust were allowed, based on the defendant's contention that the lease did not permit them to exercise

control over the lobby. The remaining defendants challenged the credibility of the plaintiff's witnesses, and demonstrated that the alleged threat, when taken in context, did not make the stabbing reasonably foreseeable. Similarly, the defendants countered the plaintiff's evidence with respect to the "domestic violence" incident and established that the plaintiff's witnesses had not accurately described the event. Indeed, there was competent evidence that the manager of the hotel evaluated the situation carefully and acted reasonably when he allowed the perpetrator to remain a guest of the hotel.

After four (4) hours of deliberation, the jury returned a verdict in favor of the remaining three defendants.