

[Verdicts & Settlements]

Complex accused of allowing people with criminal records in

Proper steps not taken to prevent woman from being murdered, estate asserts

\$1.285 million

In a confidential wrongful death lawsuit, plaintiff's estate sought compensatory damages from defendant apartment owner following the stabbing death of plaintiff's decedent.

In 2008, a 23-year-old mother of two children was stabbed to death inside of her apartment. Despite the landlord having a policy against leasing apartments to people with criminal records, discovery and investigation revealed at least 25 tenants living at the complex with serious criminal records. Also, depositions revealed that two of the five employees who worked at the apartments prior to and at the time of the murder also had criminal records.

Through tenant interviews, it was es-

Type of action: Wrongful death

Name of case: Confidential

Court/Case no./Date: Confidential; confidential; May 10, 2011

Name of judge: Withheld

Settlement amount: \$1.285 million

Most helpful experts: John Harris, security expert, Atlanta; Barry Grant, CPA, financial and economic expert,

established that the apartments were equipped with defective locking mechanisms, which would not have prevented the kind of breaking and entering that likely resulted in plaintiff's death.

Discovery also revealed that the apartment owner contracted with a background screening company, yet failed to appropriately use the company's services. In addition, one tenant with an especially long criminal record — who was the subsequent murder

Southfield; Guy Hostetler, vocational rehabilitation, Southfield

Insurance carrier(s): Withheld

Attorneys for plaintiff: Gerard V. Mantese, Brendan H. Frey

Attorney(s) for defendant: Withheld

Keys to winning: Vigorous discovery, extensive investigative work by plaintiffs' counsel

suspect — had submitted an application to lease an apartment from the defendant.

Though his application was rejected because of his criminal record, he continued to live at the apartment complex with his girlfriend, with the knowledge and acquiescence of the manager.

Plaintiffs' counsel took the depositions of the murder suspect at the prison, where he had been sentenced for having possession of property that had been stolen from



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the decedent's apartment a month before the murder. The suspect gave testimony that was inconsistent with statements he had made to the detectives investigating the murder, which suggested his guilt.

To the extent that plaintiffs' counsel could prove that the suspect-tenant committed the murder, this strengthened the case, because the tenant should have never been there in the first place, given his criminal record.

The case settled seven weeks before trial for \$1.285 million.