



METRO VERDICTS MONTHLY

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Baltimore City, MD

Circuit Court

Parents of Murdered Inmate Claim Guards Failed to Protect Their Son

Case Caption:

Melissa Rodriguez, et al. v. State of Maryland, et al.

Verdict: \$18,500,000. Breakdown: \$10,000,000 to decedent's estate; \$7,500,000 to decedent's mother; and \$1,000,000 to decedent's father.

Judge: Sylvester B. Cox

Date of Verdict: 10/2011

Attorneys:

Plaintiff: Michael A. Mastracci, Catonsville
Samuel M. Shapiro, Rockville

Defendant: Stephanie J. Lane-Weber, Baltimore
Rex S. Gordon, Baltimore

Facts: A wrongful death suit was brought after an inmate was killed while being transported from court. Plaintiffs alleged that the prison guards were not paying sufficient attention to the inmates on the bus and failed to resuscitate the man after the attack. The defendants denied negligence. A Baltimore jury found for the plaintiffs and awarded an \$18,500,000 verdict. The jury found all but one of the guards negligent. The only guard to be exonerated was Defendant Earl Generett.

Plaintiffs' decedent, Philip Parker, Jr., was riding on a bus from Hagerstown to the Maryland Correctional Adjustment Center in 2005 when he was killed by another inmate. There were 35 other inmates on the bus at the time. Parker had served nearly half of a

three-year sentence for attempted robbery when he was called to testify for another inmate, Kevin Jones. The bus was on its way back from the hearing when Jones strangled decedent against the back of the seat. The bus was about 15 minutes away from its destination. Jones confessed to the killing and then committed suicide in 2009 while he was still in prison.

Plaintiff alleged that Defendants Larry Cooper, Robert Scott, Kenyatta Surgeon, Charles Gaither and Earl Generett were negligent in failing to stop the attack or help decedent after the attack. Plaintiffs also argued that defendants were negligent in failing to properly shackle or search Jones before the bus departed. Plaintiffs asserted that the guards were to constantly observe the occupants, but instead used cell phones, ate and played DVDs. Further, plaintiffs alleged that defendants failed to perform CPR after discovering decedent still had a pulse.

Defendants contended that the guards could not have foreseen the attack and there was nothing more they could have done to save decedent after the attack occurred. Defendants also argued that there was a grill on the bus that separated the inmates and the guards and, because of the darkness and quickness of the attack, the guards did not see it, nor were they able to stop it. Moreover, defendants contended that they acted appropriately by removing decedent's shackles, checking for a pulse and calling for help, once decedent was found unresponsive.

Plaintiff Profile: Plaintiffs' decedent was a 20-year-old male.

Alleged Injury: Death by strangulation.

Jury Deliberations: 3.5 hours

Case Number: 24C06004331

Editor's Notes: This case was previously published in Metro Verdicts Monthly, Vol. 24, Issue 6, and incorrectly identified plaintiffs' attorney, Samuel M. Shapiro, as defense counsel. Mr. Shapiro was co-counsel for the plaintiffs. The earlier publication of the case also neglected to list Stephanie Lane-Weber as defense counsel.

NOTABLE DECISIONS

\$2,300,000
Federal Jury Awards Damages for Wrongful Parole Revocation5

\$18,500,000
Jury Finds Guards Failed to Protect Inmate Who Was Murdered8

Defense Verdict
Arrestee Fails to Prove His Civil Rights Were Violated by Officer10

Defense Verdict
Jury Clears Dump Truck of Liability for 15-Year-Old Girl's Death13

\$120,000
USA Liable to Civilian Air Force Guard Who Claimed She Was Assaulted20

\$1,100,000
Estate of Pastor Killed in MVA Agrees to Pretrial Settlement26

CONTENTS

Court Index	2
Case Summaries.....	4
Attorneys	34
Judges	35
Expert Witnesses	35