

Verdicts & Settlements

Sedated plaintiff raped in hospital psychiatric ward



MARKO

\$1.25 million

The plaintiff went to a local hospital for stomach pain. She had a psychiatric history due to past trauma. While at the hospital ER, she had an episode causing her to be admitted to the psychiatric ward, and to be sedated.

While the plaintiff was in the psychiatric ward another patient crept into her room at night and raped her.

The plaintiff prepared a lawsuit and sent out notices of intent, even though the plaintiff believed it was a general negligence case. Plaintiff's counsel also believed the case had explosive and newsworthy allegations — a woman goes to a hospital to get help and is committed and raped.

The defendant claimed that it was a medical malpractice case for which the caps applied, and also suggested that the plaintiff was not raped at all, but rather that she may have mistook a cervical exam for a rape.

The parties were able to resolve at presuit mediation.

Jon Marko, counsel for the plaintiff, provided case information.

Type of action: Rape at hospital

Injuries alleged: Emotional distress from sexual assault

Name of case: Confidential

Court/Case no./Date: Confidential/July 8, 2020

Tried before (jury, judge, facilitation, mediation or arbitration): Mediation

Name of mediator: Robert Riley

Settlement amount: \$1,250,000

Attorney(s) for plaintiff: Jon Marko

Attorney(s) for defendant: Confidential