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CNA sexually assaults assisted living resident

\$750,000 Verdict

Plaintiff, age 56, is mentally retarded and was a resident in Cote De Neige, an assisted care facility in Newport News. Brown is child-like and has the mental capacity of a 5-year-old.

Defendant Potter was the owner of the facility. Potter hired a certified nursing assistant named Batten and retained him even after learning that he had five assault and battery convictions. Thereafter, Batten sexually assaulted another resident who also had mental impairment.

Potter "suspended" Batten for two weeks, but then re-hired him. Batten worked the 3 p.m. to 11p.m. shift and was Brown's direct

care giver each evening shift, and the only employee from 5 p.m. to 11 p.m. in the facility.

Batten sodomized Brown repeatedly and permanently damaged his sphincter muscle in his rectum. The extensive rectal damage has resulted in Brown's having to wear adult diapers. His physician testified that the injury was caused by penile penetration and is permanent and not surgically repairable.

Also, Potter had known Batten for 24 years and knew that he was gay and that he had been in numerous fights with his gay lover, resulting in injuries to the partner. Criminal charges against Batten remain pending.

[09-T-093]

Type of Action: Personal injury

Injuries Alleged: Multiple forcible sodomies with resulting permanently damaged rectal sphincter muscle

Name of Case: Laurie T. Crewe, Guardian and Conservator for William A. Brown, a legally incapacitated person v. Elizabeth A. Potter t/a Cote De Neige Assisted Living Center

Court: Newport News Circuit Court

Case No.: 08-01075-DP

Judge/Jury: Jury

Name of Judge: David Pugh

Verdict: Verdict

Amount: \$750,000, consisting of \$500,000 in compensatory and \$250,000 punitive damages

Special Damages: \$195 medical bill

Insurer: None

Plaintiff's Attorney: Carlton F. Bennett, Virginia Beach