

**SULLIVAN COUNTY****INTENTIONAL TORTS**

Assault — False Imprisonment (Non-Governmental)

**Hospital's nurse claimed robbery drill caused lasting trauma****VERDICT** \$491,000

**CASE** Alison Mastandrea v. Catskill Regional Medical Center Rolland Bojo, Jr., RN BSN Karen McCoy, RN, BSN Christina Haff Joni Johannes, Robert Theodore Zigmund Nowick Lt. Vincent Boyd Kurt Labuda John Hauschild Lt. Brian Boyd Eric Chaboty, Undersheriff Martinkovic, Richard Theodore, Robert Nowick, Zigmund Boyd, Lt. Brian Catskill Regional Medical Center Zigmund Nowicki, No. 3169/12

**COURT** Sullivan Supreme  
**JUDGE** Stephan G. Schick  
**DATE** 9/21/2016

**PLAINTIFF**  
**ATTORNEY(S)** David J. Fischman, Jaroslawicz & Jaros, LLC, New York, NY

**DEFENSE**  
**ATTORNEY(S)** Miles S. Reiner, Bartlett, McDonough & Monaghan, LLP, Mineola, NY (Catskill Regional Medical Center, Christina Haff, Joni Johannes, Karen McCoy, Robert Theodore, Rolland Bojo Jr., Zigmund Nowicki) None reported (Brian Boyd, Eric Chaboty, John Hauschild, Kurt Labuda, Richard Martinkovic, Vincent Boyd)

**FACTS & ALLEGATIONS** On April 26, 2012, plaintiff Alison Mastandrea, 57, a registered nurse, worked at Catskill Regional Medical Center's Grover M. Hermann Hospital Division, in Callicoon. During the course of the day, a man entered the facility, announced that he had a gun, and demanded narcotic medication from Mastandrea. The man was not armed, but he had one hand positioned inside a jacket pocket, to create the appearance that he was armed. Mastandrea believed that she was being robbed at gunpoint, so she attempted to open a locked dispenser that contained narcotic medication. She struggled to open the dispenser, and the man repeated that he had a gun. After some two minutes had passed, a hospital official announced that the incident was a staged drill. Mastandrea claimed that the incident caused emotional distress that led to post-traumatic stress disorder.

Mastandrea sued the hospital and three employees who were involved in the planning of the drill, the hospital's

administrator, Rolland Bojo Jr., the hospital's clinical nurse director, Joni Johannes, and the hospital's assistant disaster coordinator, Robert Theodore. Mastandrea also sued three other employees who were believed to have been involved in the drill, Christina Haff, Karen McCoy and Zigmund Nowicki; two state troopers who were involved in the drill, Vincent Boyd and Kurt Labuda; and four local sheriff's department employees who were involved in the planning and staffing of the drill, Brian Boyd, Eric Chaboty, John Hauschild and Richard Martinkovic. Mastandrea alleged that the unannounced drill culminated in civil assault, unlawful imprisonment and an intentional infliction of emotional distress.

Brian Boyd, Vincent Boyd, Chaboty, Haff, Hauschild, Labuda, Martinkovic, McCoy and Nowicki were dismissed via summary judgment. The matter proceeded to a trial against Bojo, Johannes, Theodore and Catskill Regional Medical Center.

Mastandrea claimed that she was shocked by the drill and never suspected that the event was a staged exercise.

Defense counsel acknowledged that the drill was not announced, but he argued that the drill had to be conducted in such a manner. He claimed that the drill's organizers did not intend to cause an injury. He also claimed that, upon being told that the event was a drill, Mastandrea stated that she had known that to be the case.

**INJURIES/DAMAGES** *anxiety; depression; emotional distress; flashbacks; mental/psychological; post-traumatic stress disorder; psychiatric*

Mastandrea completed her workday. She claimed that, during the ensuing day, she contacted her employer's employee-assistance program but received no response. She further claimed that, during the ensuing week, she suffered an emotional breakdown and feared returning to the workplace.

Mastandrea ultimately claimed that she suffered post-traumatic stress disorder, with manifestations that included depression, fear, flashbacks, panic attacks and uncontrollable crying. She undergoes psychotherapy and has been prescribed psychiatric medication. Mastandrea's expert psychiatrist opined that Mastandrea's emotional distress is permanent, that she cannot function in a workplace setting, that she cannot live independently, and that her condition prevents her performance of family duties.

Mastandrea sought recovery of future medical expenses, past and future lost earnings, damages for past and future pain and suffering, and punitive damages.

Defense counsel contended that Mastandrea is concocting her symptoms and that she can resume work.

**RESULT** The jury found that Mastandrea was subjected to assault and false imprisonment, and it also found that Mastandrea experienced resultant emotional distress. It determined that Mastandrea's damages totaled \$490,000. The award did not include a component for future pain and suffering.

**ALISON**

**MASTANDREA** \$9,000 future medical cost  
\$270,000 past lost earnings  
\$55,000 future lost earnings  
\$100,000 past pain and suffering  
\$57,000 punitive damages (Catskill  
Regional Medical Center)  
\$491,000

**INSURER(S)** Physicians' Reciprocal Insurers for Bojo,  
Catskill Regional Medical Center, Johannes  
and Theodore

**TRIAL DETAILS** Trial Length: 10 days  
Trial Deliberations: 8 hours  
Jury Composition: 1 male, 5 female

**PLAINTIFF**

**EXPERT(S)** Kamelah Jefferson, M.P.H., hospital  
administration & emergency departments,  
Takoma Park, MD  
Kevin Smith, forensic psychiatry,  
Kingston, NY

**DEFENSE**

**EXPERT(S)** Allan Chrysler, hospital administration &  
emergency departments, Rome, NY  
Leslie Citrome, psychiatry, Pomona, NY  
(testified via videotape)

**POST-TRIAL** Plaintiff's counsel has expressed an intention to move for an increase of the null award for future pain and suffering. He expects that defense counsel will move to set aside the verdict.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Counsel of Bojo, Catskill Regional Medical Center, Haff, Johannes. McCoy, Nowicki and Theodore declined to contribute, and the remaining defendants' counsel was not asked to contribute.

*-Jason Eisenberg*

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