



Legally Speaking

Olsman, Mueller & James, P.C.

www.olsmanlaw.com ■ Toll Free: (800) 366-8653 ■ Phone: (248) 591-2300 ■ FAX: (248) 591-2304

Firm obtains \$4M for family of teen killed by police

Shots killed 16-year-old armed only with steak knife

HIGHLAND TWP. — Two Oakland County Deputies shot and killed 16 year-old Christopher Drypen inside his home while Drypen's father, mother and sister stood outside on June 22, 2003. The deputies claimed the shooting was justified because Christopher charged up the stairs at them with a knife. The family hired Olsman, Mueller & James, P.C., to represent them in a wrongful death suit against the deputies in Oakland County. Attorneys Jules Olsman and Wolfgang Mueller relied on the physical evidence at the scene to prove that Christopher was never on the stairs when he was shot to death. The defendants settled out-of-court for \$4 million, one month before the case was set to go to trial.

The case arose when the Oakland County



Wolfgang Mueller

firearms in the house, but that Drypen may have a short steak knife in his possession. They were specifically told that conversing with Drypen would only make matters worse, and that a special response team, equipped with non-lethal weapons, including a Taser, was on the way to the house.

Despite this knowledge, the deputies positioned themselves inside the Drypen home

Sheriff's Department responded to the Drypen home after Deborah Drypen called for medical assistance to take her son to the hospital because he was acting erratically. When the deputies arrived, they were informed that Drypen suffered from bipolar disorder. They were told there were no

at the top of a long stairway, and attempted to call Drypen to the steps. One minute after calling for Drypen a second time, the officers fired a total of 18 shots at the teen while he stood at the bottom of the stairs.

The key to winning the case was using physical evidence to show the defendants' version of the shooting was inconsistent with the facts. Blood spatter and bullet evidence conclusively showed that Drypen was not climbing the stairs at the time he was shot. This was corroborated by Oakland County's own crime scene reconstruction expert, who admitted there was no physical evidence to support the defendants' claim that Christopher was charging at them with a knife when they began shooting.

Moreover, attorneys Olsman and Mueller were able to show the defendants' major defenses — namely "suicide by cop" and "blame the parents" — were unsubstantiated by the known research on bipolar disorder.

Verdicts and settlements

\$1,100,000 — Wrongful death of 82-year-old resident of adult foster care facility as a result of improper use of a Posey vest/restraint resulting in asphyxiation and strangulation.

\$2,550,000 — Award for 55-year-old woman struck by a snow plow at a gas station resulting in severe reflex sympathetic dystrophy.

\$864,000 — Verdict arising out of wrongful death of 81-year-old individual as a result of pressure ulcers incurred in a hospital setting.

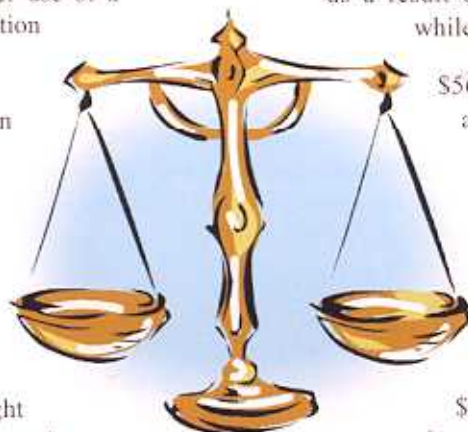
\$1,250,000 — Permanent paralysis of right arm of 19-year-old woman due to being struck by passenger airbag.

\$4,350,000 — Settlement on behalf of a woman severely injured as a result of a drunk driver who was rendered intoxicated while dining at a large restaurant.

\$565,000 — Wrongful death of 94 year-old woman as a result of positional asphyxia caused by her entanglement in the side rail of a pressure relieving bed in a nursing home.

\$862,500 — Subdural hematoma sustained by 76-year-old assisted living resident who fell, striking her head resulting in the loss of her ability to walk.

\$862,500 — Settlement for 66-year-old individual in a nursing home who asphyxiated in the side rails of her bed.





Jules B. Olsman, Esq.

Jules B. Olsman is one of Michigan's premier attorneys in the area of nursing home negligence and vulnerable adult abuse. Olsman was led to the specialty as he cared for his mother in her later years.

"I gained substantial insight into dementia and all issues involved in taking care of someone in that situation," Olsman said. When he began fighting for the rights of the elderly in 1986, he was a pioneer.

"Virtually no other lawyer in the state would take a case with an elderly plaintiff because they believed they meant nothing in terms of verdicts or settlements because of their age," Olsman said. "The pendulum has completely shifted in the last 20 years. Families of older people injured as a result of preventable harm or injury will no longer just write that off and ignore it."

Because of Olsman's expertise, Governor Granholm appointed him to the Governor's Task Force on Elder Abuse in June. The newly formed group is charged with identifying resources and changes in law that will assist in the prevention of elder abuse.

"My purpose on that task force is to try to strengthen the laws for seniors and people in long term care, assisted living and adult foster care, and to provide meaningful sanctions and recovery for people who have been harmed under those conditions," Olsman said.

As senior partner of Olsman, Mueller & James, Olsman also handles medical malpractice, police misconduct and a wide variety of personal injury claims.

Some of his more notable cases include Agent Orange, breast implant and Vioxx litigation.

Just as active outside the courtroom, Olsman is past president of the Michigan Trial Lawyers Association and a member of the Board of Governors of the Association of Trial Lawyers of America. He is a past chair of the ATLA Nursing Home Litigation Group, and past member of the Representative Assembly of the State Bar of Michigan. He currently serves as a member of the State Bar's Civil Procedure Committee and is a member of the Negligence Law Section Council.



Olsman Appointed to Statewide Task Force

Governor Jennifer Granholm appointed Jules B. Olsman to the Governor's Task Force on Elder Abuse in June. The group is charged with identifying resources and changes in law that will assist in the prevention of elder abuse.

Olsman has lectured frequently around the United States on topics involving nursing home and assisted living litigation and proof of damages in cases involving elderly plaintiffs. He has authored articles that have appeared in *Trial* magazine, the *State Bar of Michigan Journal* and *Michigan Lawyers Weekly*.

He is the editor of *Liens in the Michigan Personal Injury Case*, and serves as a board member of Citizens for Better Care in Michigan. Olsman is a 1978 graduate of Detroit College of Law and a 1975 graduate of Wayne State University.

Specializing In:

Medical Malpractice

Wrongful Death

Product Liability

Nursing Home Litigation

Attorneys:

JULES B. OLSMAN

WOLFGANG MUELLER

ROBERT F. JAMES

RANDY J. WALLACE

DONNA MACKENZIE

Contact Us:

www.olsmanlaw.com

Toll Free: (800) 366-8653

FAX: (248) 591-2304

Main Office

2684 W. 11 Mile Road

Berkley, MI 48072

Phone (248) 591-2300

Lapeer County Office

350 N. Court, Ste. 209

Lapeer, MI 48446

(810) 667-9500

Battle Creek Office

130 East Columbia

Battle Creek, MI 49015

(269) 963-0375

Firm takes nursing home death to Supreme Court

Catherine Hunt was 66 years old when she entered the Oakpointe Villa nursing home in Detroit. Six months later, she was dead. According to her niece and caregiver Denise Bryant, Hunt suffocated after she became entangled in the bed rails on March 4, 1997.

"Nobody was watching," Bryant said. "It grieves my heart to this day."

Appalled by her aunt's untimely death, Bryant refused to allow Hunt to become another forgotten victim of nursing home abuse and neglect. She called the firm of Olsman, Mueller & James.

"I wanted a law firm experienced in nursing home abuse and neglect," Bryant said. "The same level of attention Jules Olsman gave me when we first spoke on the phone was the same level of attention he gave this case through the seven years that he had it. The quality did not diminish."

Catherine Hunt's case eventually worked its way to the Michigan Supreme Court, where judges made the landmark ruling that her death was caused by negligence — not malpractice. It was a precedent-setting distinction, because the cap on damages that may be awarded for malpractice does not exist in cases of negligence.

"Nursing homes and insurance companies can no longer run and hide under the umbrella of malpractice," Bryant said. "This case will benefit families of nursing home residents for years to come who are abused, neglected and even suffer death in Michigan nursing homes."

Looking back, Bryant saw signs of neglect when it came to her aunt and other residents at Oakpointe Villa. Their personal possessions were not protected. They were often exposed to extreme heat or cold. They were left hungry when meals came late, or soaked in their own urine. Bryant attributed the problems to understaffing.

"The aides have so many mouths to feed,

they jam the food down their mouth so they can get to the next resident," she said. "I learned that even with day-to-day visits it is still difficult to know what all goes on with your loved one when you are not there."

She also blamed a lack of accountability, as the state's oversight body didn't have a means to track complaints, or enough agents to investigate them. Bryant has made it her mission to change that.

Catherine Hunt was a modest, soft-spoken woman who worked more than 30 years as a housekeeper for a prominent physician.

When her sister died, Hunt cared for her sister's children — Denise Bryant included — along with her own.

When Hunt became plagued with dementia, Bryant quit a lucrative job to care for her until her 24-hour needs became overwhelming.

Bryant persisted in filing complaints with the state, and has established a standardized complaint form that has since been made avail-

able at every nursing home and health care facility in the state. The form ensures that witnesses to neglect have a voice, and that the state can track complaints. Bryant testified before the Senate Committee on Aging in Washington D.C. accompanied by Olsman attorney Randy Wallace, and recently published a book *Joy in the Fire: My Love for Catherine*, about her aunt's life, untimely death, and her battle for nursing home justice. She contributed \$200,000 of her undisclosed settlement to establish The Catherine Hunt Foundation, which will provide non-emergency transportation to the elderly, disabled and nursing home residents.

The Michigan State Bar Association Elder Law Section has since established an annual Catherine Hunt Advocacy Award. Bryant credits Olsman, Mueller & James with helping the fight in her aunt's name.

"Jules Olsman stood strong on the principle of the case and I can tell that this is a passion of his, not just a job," she said.



Denise Bryant holds a photo of her aunt, the late Catherine Hunt.

WHERE TO COMPLAIN

NURSING HOMES

State of Michigan Bureau of Health Systems
Complaint Division
(800) 882-6006
www.michigan.gov/BHS

Citizens For Better Care
(866) 485-9393
www.cbcmi.org

NURSING HOME ADMINISTRATORS
(517) 241-9234

PHYSICIANS
(517) 373-9196

REGISTERED NURSES & LICENSED PRACTICAL NURSES
(517) 335-0198

ADULT HOMES FOR THE AGED & ADULT FOSTER CARE
Office of Children & Adult Licensing
Lansing, MI 48909
(866) 856-0126

LOCAL POLICE
If you suspect assault or physical abuse.

WHAT TO DO

If you suspect your loved one has been injured or abused in a nursing home or other long term care facility:

1. Get legal advice. Call Olsman, Mueller & James immediately. Delay can result in the destruction or loss of important evidence or expiration of the time period during which legal action may be taken.

2. Make a complaint. If the facility involved is a nursing home, you can call Citizens For Better Care at (313) 832-6387, or you can file a formal complaint with the State of Michigan Bureau of Health Care by calling (800) 882-6066.

Help is available. Call Olsman, Mueller & James for a free consultation.