

Family Sues After Door Falls On Elderly Man

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By Jeff Arnold

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The defendants in a lawsuit brought by the son of a Fort Smith man who died three weeks after a door in an assisted living facility fell on him deny any responsibility for the man's death.

Maurice Brigance Jr., 93, died Jan. 31, 24 days after an 80-pound closet door in his room at The Brookfield at Fianna Oaks came loose from its mounting and fell on Brigance, according to the lawsuit filed in April in Sebastian County Circuit Court.

A death certificate included with the lawsuit lists pneumonia as the immediate cause of death, with the underlying cause, which "initiated the events resulting in death," as "trauma (door falling on patient)."

The senior Brigance suffered from injuries, including but not limited to, a fractured pelvis, a seriously injured knee, abdominal rupture and other possible internal injuries, according to the suit.

The suit, filed by Brigance's son, Steven Brigance, names Brookfield; WDM Architects, the architectural firm who designed the facility; and Crawford Construction Co., which designed, built and inspected the facility, as defendants.

The suit claims WDM knew or should have known the use of solid core, 80-pound doors would present an "unreasonable risk of injury or death to the residents of Brookfield" and failed to inspect the facility to determine the door tracks weren't installed as designed or intended.

Crawford Construction Co. is accused of being negligent, by allowing an improper track system for the door to be installed in Brigance's room.

Brookfield is accused of attempting, but failing to correct the "dangerous or defective condition of the door," after being notified by Brigance, his wife and son about concerns regarding the door, according to the suit.

Attorneys for each of the defendants have filed responses, denying any liability for the claims raised in Brigance's complaint.

In addition to seeking undetermined damages for actual physical injuries and wrongful death, the suit also seeks punitive damages because the actions of the defendants exhibited "conscious disregard to the safety and welfare of Maurice Brigance Jr., from which malice may be inferred," according to the complaint.

The suit was filed on Steven Brigance's behalf by Fort Smith attorney Rex Chronister.

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