

# DAILY BUSINESS REVIEW

## WINNERS - MEDICAL MALPRACTICE

### Lawyers called 'crazy' for taking case, yet find way to win

DAILY BUSINESS REVIEW'S  
*5<sup>th</sup> Annual*  
**MOST Effective**  
**LAWYERS 2009**

**Manuel L. Dobrinsky and Randy Rosenblum**  
 Freidin & Dobrinsky

In less than 24 hours on Feb. 20, 2007, doctors at the Lee Mental Health facility decided a teenager who had tried to kill himself over his girlfriend's suicide was stable and discharged him.

Nine days later Vandy Cusson Jr., 19, hanged himself exactly like his girlfriend had done to herself a few months earlier.

After deliberating for less than two hours after a two-week trial in February, a Lee Circuit Court jury awarded Cusson's parents \$2.4 million, \$400,000 more than attorneys Manuel L. Dobrinsky and Randy Rosenblum had requested.

"It's tough with suicide cases because there's a prejudice against people who commit suicide," Dobrinsky said. "Then you've got the facility saying the parents didn't do enough."

Not only did the facility's attorneys say the parents didn't do enough to prevent the tragedy, they told jurors the boy's father was comparatively negligent. The trial judge did not allow the defense to serve up a similar claim to the jury against the mother.

"After the verdict, several jurors came up and looked the father in the eye and told him it wasn't his fault," Rosenblum said.

"It is our impression that they just didn't take this case that seriously," he said of the facility's staff. "They had him in group therapy, which didn't address his issues. And what we learned is that these facilities use a lot of pre-printed forms so in Vandy's case, they went



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**Manuel L. Dobrinsky and Randy Rosenblum won \$2.4 million for the parents of a 19-year-old suicide victim.**

through the motions, but they didn't treat him."

Cusson's parents told their attorneys that they wanted to sue to shed light on how these facilities operate and hoped their efforts could spare other parents their own pain.

Stephanie Ritt of Gilmer and Ritt in Tampa represented the facility.

Ritt not only told jurors that the boy's father was partially to blame, but she also argued that something in the nine days after his discharge precipitated Cusson's hanging.

"The defense argued that our job is not to cure them, our job is to stabilize

them and refer them out for treatment," Dobrinsky said. "They said, 'He was stable, and we discharged him. We did our job.'"

Pre-trial, Rosenblum and Dobrinsky also had to fight off an intoxication defense since an autopsy found alcohol in Cusson's system.

"Everyone told us we were crazy for taking this case," Dobrinsky said. "But people need to know what goes on in these facilities. We have got to shine a light on this. We've gotten bigger verdicts and we both have had bigger verdicts individually but this is the one I'm most proud of."