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State, deputies reach \$1.9M settlement over death of disabled Frederick man

26-year-old Saylor died after being restrained by sheriff's deputies at movie theater

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The parents of a man with Down syndrome who died following a confrontation with Frederick County sheriff's deputies at a movie theater more than five years ago have settled their lawsuit for \$1.9 million.

The Maryland Board of Public Works voted last week to approve the state's \$645,000 portion of the settlement with the parents of Robert Ethan Saylor, who was 26 when he was suffocated in January 2013 after being handcuffed and put on the floor by three deputies. The federal wrongful death lawsuit also alleged excessive force and violations of the Americans with Disabilities Act.

The other defendants' settlements were contingent on the state approving its payout, according to Joseph B. Espo, who represented Saylor's estate and his parents, Patricia and Ronald Saylor. The deputies will pay a combined \$800,000, likely indemnified by their insurer, while Hill Management Services Inc., which managed the mall containing the movie theater, will pay \$455,000, according to Espo.

"Nothing will compensate the parents for the loss of their child but I also think they are relieved that the process is over," Espo, of Brown Goldstein & Levy LLP in Baltimore,

THE ESTATE OF ROBERT ETHAN SAYLOR, ET AL., V. REGAL CINEMAS INC., ET AL.

Court: U.S. District Court in Baltimore

Case No.: 1:13-cv-03089-ELH

Judge: Ellen L. Hollander

Proceeding: Settlement

Outcome: \$1.9 million settlement (\$800,000 from Sgt. Richard Rochford, Lt. Scott Jewell and Deputy James Harris; \$645,000 from state; \$455,000 from Hill Management Services Inc.)

Dates:

Incident: Jan. 12, 2013

Suit filed: Oct. 17, 2013

Settlement: April 18, 2018

Plaintiffs' Attorneys: Joseph B. Espo, Sharon Krevor-Weisbaum, Andrew D. Freeman and Jean M. Zachariasiewicz of Brown Goldstein & Levy LLP in Baltimore

Defendants' Attorneys:

Assistant Attorney General Jason Levine for Maryland; Daniel Karp of Karpinski Colaresi & Karp PA in Baltimore for the deputies; Mark Anthony Kozlowski of the Law Offices of Jonathan P. Stebenne in Baltimore for Hill Management

Counts: Wrongful death, battery, negligence, excessive force, Americans with Disabilities Act

said Tuesday.

Co-counsel Sharon Krevor Weisbaum agreed.

"Ethan should never have lost his life but we're pleased our clients can start to move forward," she said. "It's been a long five years for them."

Saylor, whose Down syndrome was "readily recognizable," was at the Regal Cinemas at the Westview Promenade Mall in Frederick in January 2013 with a full-time aide who assisted him, according to a memorandum opinion issued last year in U.S. District Court in Baltimore. Saylor attempted to return to the theater while the aide went to get her car, but an employee told Saylor he needed to purchase another ticket, according to the opinion.

After security arrived, the aide cautioned Sgt. Richard Rochford, the first officer at the scene, against touching Saylor and said he may get angry, according to court documents. Rochford spoke with Saylor

and started to arrest him, at which time Lt. Scott Jewell and Deputy James Harris arrived and assisted. Saylor struggled and yelled and the deputies attempted to handcuff him on the ground, according to court documents.

Saylor stopped breathing, and the deputies removed the handcuffs and attempted to resuscitate him, according to court documents. He resumed breathing but remained unresponsive, according to court documents. Saylor died at a hospital hours later; the cause of death was asphyxia, according to court documents.

U.S. District Judge William M. Nickerson denied the deputies' motion for summary judgment in September 2016 and declined to extend them qualified immunity. The 4th U.S. Circuit Court of Appeals held last September a jury could determine the deputies should be individually liable.

Espo said the deputies' potential for liability as individ-

uals and the lack of a cap on damages stemming from federal constitutional violations "changes the risk of going forward" and likely contributed to the defendants' decision to settle.

After Saylor's death, Patricia Saylor became an advocate for disability rights and training for law enforcement. She supported the creation of a commission to establish a training program to teach police how to interact with people with intellectual and developmental disabilities.

"I think what stands out about," the settlement, Espo said, "is the affirmation that individuals with disabilities have the right to live and be out in the world and to have law enforcement and others provide appropriate changes in policies and procedures and practices to allow that."

Attorneys for the defendants did not respond to requests for comment Tuesday.