

Court gets \$10-million suit for ex-Willowbrook patient

By ROBERT MIRALDI

Attorneys for a former resident of Willowbrook State School have filed what appears to be a precedent-setting \$10-million damage suit against New York State.

In court papers, the attorneys claim that their client, a resident at the state center for the retarded for 13 years, was inappropriately placed in Willowbrook — "warehoused," they say — and that while there he was assaulted, improperly medicated and eventually lost his eyesight.

Attorneys for the former resident as well as attorneys who have represented parents of Willowbrook residents in a long-running case in Brooklyn Federal Court said yesterday the civil damage suit seems to be the first of its kind.

Observers of Willowbrook (now called the Staten Island Developmental Center) and of the federal court case have long expected that civil damage suits would be filed by former residents, asking for massive amounts of money.

Recently, in fact, Judge John R. Bartels, who presides in the Willowbrook case in federal court, said that civil damage suits were still a valid option for parents and former residents.

"We've been somewhat surprised that we seem to be in uncharted waters," Patrick Foley, a Manhattan attorney, said yesterday.

Foley represents Steven Masgai, 21, who was admitted to Willowbrook in 1962 when he was 5. Willowbrook in 1962 had more than 5,000 residents who were crammed into dirty wards, with little medical treatment and few rehabilita-

tive programs.

The court papers claim that Masgai entered Willowbrook with an IQ of 56, but that by the time he was transferred to Manhattan Developmental Center in 1977 he was evaluated as being between borderline to dull-normal range intelligence.

"It is our basic contention," Foley said, "that the state put the wrong fellow in the wrong type of institution."

(From Page 1)

ment," which resulted in "serious deprivation and personal injury including loss of vision and mental impairment."

The attorneys also allege that Masgai was physically and sexually assaulted while living at Willowbrook, a common claim at the center where there are still hundreds of incidents each month among the 2,200 retarded persons living there.

The state is now under a federal court order to reduce the center's population to 250 by 1981. The placement effort, however, has gone slowly and last two weeks ago Bartels compiled with a state request to order a slowdown of the number of monthly placements.

Masgai, who was born in Manhattan, now lives in a foster care home in that borough, one of the hundreds of former Willowbrook residents who now live in small community residences.

The court papers further contend that while at Willowbrook and Manhattan Developmental Center, Masgai received "negligent care...and medical treat-

(Continued on Page 3)

Assistant Attorney General Robert G. Farrell of Westerleigh has attempted to have the Masgai case dismissed by Court of Claims Judge Edward J. Amann Jr., a former assemblyman from Staten Island. Amann refused and told the Advance:

"Ultimately the case will go to trial and the patient will have his day in court."

Farrell had argued that the case should be dismissed because the decision to admit Masgai in 1962 was a "governmental and administrative decision," not within the court's jurisdiction. Amann said that "a cause for action for negligent inattention to duty" is indeed a valid case for the court to decide.