

Big Town Nursing Home, Inc v. Newman

461 S.W.2d 195 (1970)

Keyword Subject

False Imprisonment

Facts

Plaintiff (Newman) was an elderly man who was consigned to defendant (Big Town Nursing Home). In the admission papers, the nursing home indicated that he would not be forced to stay there against his will. However, when plaintiff attempted to leave, he was forbidden from doing so. After several more attempts in which he was forcibly brought back, the defendant began strapping plaintiff into a chair, locking up his clothes, and did not provide him access to a doctor. After 51 days, plaintiff was able to escape and make it to Dallas. He had lost 30 lbs in the days in which he was retained

Procedural History

Trial Court: In favor of plaintiff

Appeal: In favor of plaintiff

Issue

Holding:

Principle

False imprisonment is the direct restraint of one person of the physical liberty of another without adequate legal justification

Reasoning

Defendant acted in the utter disregard of plaintiff's legal rights, knowing there was no court order for commitment, and that the admission agreement provided he was not to be kept against his will

Separate Opinions

Notes

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