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Family: Slain woman was stalked at assisted-living center

Wrongful death suit against facility says fellow resident had history of assaults

By Ben Horowitz
STAR-LEDGER STAFF

In 2010, Alzheimer's patient Rita Ellinger was being stalked by a man with a history of violence who was a fellow resident at an assisted-living facility in Whippany, her niece said.

But when the 85-year-old Ellinger told staff members at Arden Courts about the problem, they "merely re-directed" her down a different part of the corridor to avoid the man, said

her niece, Luann Potere of Clifton.

The man wound up choking Ellinger and throwing her on the ground, Potere said, and she died of head injuries five days later.

Those allegations are at the heart of a lawsuit that Potere filed Wednesday in Superior Court in Camden against Arden Courts and its parent company, HCR ManorCare of Toledo, Ohio.

The civil suit accuses the defendants of causing Ellinger's wrongful

death and of numerous counts of negligence, including failing to provide a safe living environment, adequate medical care and protection from abuse.

"Ms. Potere and her entire family want to ensure that what happened to their aunt will not happen to others residing in assisted-living and long-term care facilities," said attorney Barry Sugarman.

According to the suit, the man had

assaulted at least two other Arden Courts residents before attacking Ellinger. He is not named as a defendant in the suit, and he does not currently face criminal charges.

Morris County Prosecutor Robert Bianchi yesterday said his office is investigating the death.

Responding to the lawsuit, HCR ManorCare issued a statement, referring to Ellinger as a man and saying, "Two years ago, an incident occurred between two residents at our Arden

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Courts center, a memory-care community. Our staff responded quickly to the incident and separated the residents. We learned that one of the residents passed away several days later. Our deepest sympathies go out to our resident and his family."

HCR also noted the lawsuit and patient confidentiality in declining "to comment specifically on their medical history."

Ellinger, who retired after working for nearly 30 years as a hostess at the Clinton Inn in Tenafly, lived in Little Ferry before moving to the nursing home in the Whippany section of Hanover, her family's attorneys said.

According to the lawsuit, Ellinger told staff at Arden Courts during the evening of Oct. 3, 2010, that she was being "stalked, followed, bothered and otherwise harassed" by the man.

But after she was told to walk down a different part of the corridor, the man "immediately continued" his stalking, the suit says.

The man caught Ellinger at the end of the hallway, blocked her from walking and then grabbed her around the neck, "choking and shaking her violently several times ... in plain sight" of staff, according to the suit.

He threw her to the ground and she hit her head on the floor, the suit says.

After finding the man standing over Ellinger, attempting to injure her further, the staff separated the two and took Ellinger back to her room, according to the lawsuit. The staff, the suit says, did not seek medical treatment for Ellinger right away.

At 3 a.m. the next day, Ellinger was seen in her room with "the left side of her face drooping and the left side of her body unresponsive," according to the suit. She told staffers that her head hurt and she was then taken to Morristown Medical Center.

Hospital staff determined Ellinger had a brain hemorrhage, and she died on Oct. 8, 2010, the suit says.

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