

NEGLIGENCE: No liability by apartment owners or manager for suicide of tenant... Barz affirmed.

The day after Arthur Van Hoose, 77, moved into Massey Apartments he complained to manager Betty Young, also in her 70s, that he was in pain. She offered to take him to the hospital after her daughter arrived. Later she saw him through his open door walking around with a pistol. She told him not to point it at her. He said, "Guns take care of all problems." She said, "It doesn't take care of problems, it causes problems." She took it from him with the intention of taking it to her apartment. When he protested, she got a chair, climbed up on it, and put the pistol on top of a closet. He appeared calmer and she repeated that she would take him to the doctor. An hour later she heard a "thud" and discovered that he had shot himself. His nephew Leslie Krieg sued her and the apartment owners for negligent failure to prevent the suicide. Judge Barz granted summary judgment for Defendants.

The general rule is that suicide is an intentional act. The narrow exceptions involve causing another to commit suicide and custodial situations (typically hospitals or prisons) where suicide is foreseeable. Young was not in a custodial relationship with Van Hoose. He had lived in the apartment house less than 2 days and she had no control over him. No cases hold that a landlord-tenant relationship is a custodial relationship that would impose a duty to prevent suicide. In any event his suicide was not foreseeable. Nor did Young impose a duty upon herself by taking the gun and then breach it by putting it on top of the cabinet. Even had a duty arisen, her acts placed Van Hoose in no worse position than before.

Weber, Turnage, Harrison, Sheehy, Hunt.

***Krieg v. Massey*, 89-266, 10/24/89.**

K.D. Peterson (Peterson, Schofield & Leckie), Billings, for Krieg;
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for Defendants.