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An ALM Publication

# NATIONAL

## MARYLAND

### INTENTIONAL TORTS

Battery — Wrongful Death — Survival Damages

## Parents: Their son was murdered by long-time friend

**DECISION** \$11,977,500

**CASE** William T. Waugh, individually and as personal representative of the estate of Mark Waugh, and Nancy M. Waugh v. Rahul Gupta, No. 424774-V

**COURT** Montgomery County, Circuit Court, MD

**JUDGE** Terrence J. McGann

**DATE** 3/13/2018

**PLAINTIFF**

**ATTORNEY(S)** Peter C. Grenier, Grenier Law Group, PLLC, Washington, DC

**DEFENSE**

**ATTORNEY(S)** Ira L. Oring, Fedder & Garten, PA, Baltimore, MD

**FACTS & ALLEGATIONS** In the early morning hours of Oct. 12, 2013, plaintiff's decedent Mark Waugh, 23, a law student, was killed. He died due to multiple stab wounds from a large carving knife. He was found dead at the apartment of his long-time friend, Rahul Gupta, and Gupta's girlfriend, Taylor Gould.

William T. Waugh, individually and as personal representative of the estate of Mark Waugh, and Nancy M. Waugh, filed suit against Rahul Gupta, alleging battery, wrongful death and survival.

The lawsuit alleged that Mark Waugh was murdered by Gupta. Gupta had reportedly confessed to killing Waugh after walking in on Waugh allegedly having sexual relations with Gould. Gupta later tried to recant his confession. He argued that he confessed to cover for Gould, whom he asserted was the real killer. Gould testified that she was passed out from alcohol consumption when Waugh was killed and was awakened by Gupta yelling at her to call 911. She maintained she had no idea what precipitated the killing.

Gupta was convicted of murdering Waugh. He was sentenced to life in prison. With regard to written discovery and depositions in the civil case, Gupta invoked the Fifth Amendment.

#### **INJURIES/DAMAGES** *death; loss of society*

Waugh suffered six stab wounds to the neck, upper chest and left arm, as well as five defensive wounds to his forearm and fingers. Waugh lived for a period of time after first being stabbed/cut and had apparently moved around the apartment in an attempt to escape the attack.

The Waughs sought both compensatory and punitive damages for survival and wrongful death.

**RESULT** The court granted summary judgment to the Waughs on the basis that there were no genuine issues of material fact. The court then awarded damages totaling \$11,977,500, including \$800,000 on the survival/battery claim, \$1,177,500 for the wrongful death/battery claim (\$588,750 to each parent) and \$10 million in punitive damages.

#### **ESTATE OF**

**MARK WAUGH** \$800,000 survival  
\$10,000,000 punitive damages  
\$10,800,000

**NANCY WAUGH** \$588,750 wrongful death

**WILLIAM WAUGH** \$588,750 wrongful death

**EDITOR'S NOTE** This report is based on information that was provided by plaintiffs' counsel and information obtained from multiple media reports of the incident. Defense counsel did not respond to a request for comment.

—Margi Banner