



Patient: IV infiltration led to permanent pain syndrome

Type: Verdict-Mixed

Amount: \$4,470,903

State: Georgia

Venue: Fulton County

Court: Fulton County, Superior Court, GA

Injury Type(s):

- *arm*
- *hand/finger* - hand
- *neurological* - reflex sympathetic dystrophy; complex regional pain syndrome

Case Type:

- *Medical Malpractice* - Nurse; Hospital; Negligent Injection; Negligent Treatment

Case Name: Michael Barbour and Dawn Barbour v. Piedmont Newnan Hospital and Cherie Smith, No. 12EV015007

Date: May 14, 2014

Plaintiff(s):

- Dawn Barbour (Female)
- Michael Barbour (Male, 38 Years)

Plaintiff Attorney(s):

- Lloyd N. Bell; Bell Law Firm; Atlanta GA for Michael Barbour, Dawn Barbour
- Lawrence B. Schlachter; Schlachter Law Office; Roswell GA for Michael Barbour, Dawn Barbour
- Darin Summerville; Summerville Moore; Atlanta GA for Michael Barbour, Dawn Barbour

Plaintiff Expert (s):

- Erik Shaw D.O.; Chronic Pain; Atlanta, GA called by: Lloyd N. Bell, Lawrence B. Schlachter, Darin Summerville

Defendant(s):

- Cherie Smith
- Piedmont Newnan Hospital

**Defense
Attorney(s):**

- Paul E. Weathington; The Weathington Firm, PC; Atlanta, GA for Piedmont Newnan Hospital, Cherie Smith
- Paul Hotchkiss; Freeman Mathis & Gary LLP; Forest Park, GA for Piedmont Newnan Hospital, Cherie Smith
- C. Matthew Smith; The Weathington Firm, PC; Atlanta, GA for Piedmont Newnan Hospital, Cherie Smith

**Defendant
Expert(s):**

- L. Andrew Koman M.D.; Orthopedic Surgery; Winston-Salem, NC called by: for Paul E. Weathington, Paul Hotchkiss, C. Matthew Smith
- Michael Schaufele M.D.; Physical Therapy; Atlanta, GA called by: for Paul E. Weathington, Paul Hotchkiss, C. Matthew Smith
- Arnold-Peter Weiss M.D.; Orthopedics; Barrington, RI called by: for Paul E. Weathington, Paul Hotchkiss, C. Matthew Smith

Facts:

In June 2011, plaintiff Michael Barbour, 38, presented to the emergency room at Piedmont Newnan Hospital with complaints of chest pain and shortness of breath. He was admitted to the hospital to undergo further evaluation and stress testing. The two-phase stress test requires the insertion of a catheter into the arm, through which Myoview, a benign radioisotope, is injected to allow physicians to view images of the heart look for evidence of heart disease. Piedmont Hospital nurse Cherie Smith inserted the catheter into Barbour's left arm in preparation for the test. Phase one of the test, the resting phase, was completed without incident. At the onset of phase two, the doctor injected the Myoview and attempted to follow up with the saline solution. Barbour's arm swelled. The catheter had infiltrated the soft tissue, allowing the administration of the Myoview into Barbour's arm tissue in the area surrounding the insertion site. Warm compresses were applied to the injection site and the examination was completed by using an echocardiogram. After confirming no signs of cardiac injury, Barbour was discharged. As a result of the infiltration, Barbour began to experience severe pain and burning in his arm and hand, and he developed complex regional pain syndrome. He underwent pain injections and, ultimately, surgery in an effort to curb the unrelenting pain, but the treatment was unsuccessful.

Barbour and his wife, Dawn Barbour, sued Piedmont Newnan Hospital and Smith. The lawsuit alleged medical malpractice.

Plaintiffs alleged the standard of care for establishing a catheter required the medical provider to confirm patency of the catheter by flushing saline into the vein prior to the administration of a medication and that the nurses failed to confirm patency of Barbour's catheter, resulting in permanent injury and damage to the tissue of his left arm. Counsel presented Barbour's medical records from the June visit, which reportedly showed no evidence that patency was confirmed prior to the administration of the Myoview. Plaintiffs argued that it was routine practice to note patency in the patient's chart once confirmed.

There was some dispute between nurses as to whether the saline flush was performed during the resting phase of the stress testing. The hospital denied any wrongdoing and disputed the nature and severity of Barbour's alleged complex regional pain syndrome.

Injury: Michael Barbour claimed he developed complex regional pain syndrome (CRPS) due to IV infiltration of the left arm. He was treated at the Shepherd Center for pain management. Barbour underwent ketamine injections without relief, then underwent surgery at Wake Forest Baptist Medical Center with minimal relief. He ultimately required the placement of a spinal stimulator with ongoing administration of narcotic pain medication.

At trial, upon request of plaintiffs' counsel, Judge Dixon permitted the jurors to touch Barbour's hands to appreciate for themselves the temperature difference between the right and left hands, which is a known symptom of CRPS. During testimony, defendants' expert witness, Arnold-Peter Weiss, M.D. also touched Barbour's hands and confirmed the temperature difference, but reportedly grabbed the sensitive part of Barbour's forearm suddenly and without warning and pressed firmly in an apparent effort to disprove Barbour's claim, which counsel reported caused Barbour to retreat from the pain.

Result: The jury found the hospital negligent and determined that Michael Barbour's damages totaled \$3,720,903.00. The jury also awarded \$750,000 to Dawn Barbour for loss of consortium. A defense verdict was entered for defendant Smith.

Dawn Barbour

\$750,000 Personal Injury: loss of consortium

Michael Barbour

\$183,244 Personal Injury: Past Medical Cost

\$790,000 Personal Injury: Future Medical Cost

\$51,702 Personal Injury: Past Lost Earnings Capability

\$1,195,957 Personal Injury: FutureLostEarningsCapability

\$1,000,000 Personal Injury: Past Pain And Suffering

\$500,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: Myra Dixon

Demand: \$4.5 million

Offer: None

Trial Length: 8 days

**Trial
Deliberations:** 1 days

**Editor's
Comment:** This report is based on an article published by the Fulton County Daily Report. The attorneys did not respond to requests for comment.

Writer Jill Fowler

Medical Malpractice - IV Infiltration - Thumb Amputation

Type: Verdict-Plaintiff

Amount: \$1,553,026

State: Georgia

Venue: Coffee County

Court: Coffee County, Superior Court, GA

Injury Type(s):

- *amputation - finger*

Case Type:

- *Medical Malpractice - Hospital*

Case Name: Johnnie Jackson v. Coffee Regional Medical Center, No. 2207S04-387

Date: March 26, 2010

Plaintiff(s):

- Johnnie Jackson (Male, 47 Years)

Plaintiff Attorney(s):

- Laura M. Shamp; ; Atlanta GA for Johnnie Jackson

Defendant(s):

- Coffee Regional Medical Center

Defense Attorney(s):

- Anthony Rowell; Tifton, GA for Coffee Regional Medical Center
- Virginia N. Hall; Tifton, GA for Coffee Regional Medical Center

Facts:

A Coffee County jury awarded \$1,553,026 to a man who required a thumb amputation. The plaintiff claimed the amputation resulted from the improper administration of IV drugs, while the defendant contended that it was due to a blood clot.

Plaintiff Johnnie Jackson presented to Defendant Coffee Regional Medical Center on April 30, 2005. The 47 year old man presented with a history of diabetes and chronic pancreatitis. He was admitted for treatment of complications related to the pancreatitis and an IV was placed in his wrist around 7:30 p.m. The IV was intact when nurses checked 15 minutes later.

Plaintiff complained of pain at 2:35 a.m. the next morning and was given a combination of Demerol and Phenergan through his IV. Shortly thereafter, plaintiff began to complain of severe pain and swelling in his right hand. Nurses' notes indicated the IV was checked at 3:00 a.m. and plaintiff's hand was found to be painful and swollen at that time. The IV was removed 45 minutes later.

Plaintiff continued to experience severe pain for the next 36 hours. His primary care physician ordered an orthopedic consult. The orthopedist recommended immediate transfer to a tertiary center. Plaintiff was transported by ambulance to South Georgia Medical Center in Valdosta around 8:30 p.m. on May 2, where he was immediately taken into surgery. The surgeon was unable to save plaintiff's thumb and it was amputated. Plaintiff remained hospitalized for 24 days, during which he underwent multiple additional surgeries to save his hand.

Plaintiff alleged that defendant hospital's employees violated the nursing standards with regard to the care and treatment provided to plaintiff. In particular, he claimed the nurses were negligent in administering the drug Phenergan too rapidly, causing an extravasation of the medication into the surrounding tissue of his hand. Plaintiff also argued that the nurses were negligent in not removing the IV in a timely manner and not contacting plaintiff's physician for eight hours after the problem was recognized.

Defendant contended that the IV did not infiltrate and the thumb was lost because of a blood clot in the hand which cut off circulation to the thumb.

Plaintiff was a 47 year old disabled male.

Injury:

Infiltration of IV medication resulting in tissue damage and, ultimately, amputation of the left thumb. Plaintiff claimed \$53,026 in past medical expenses.

Result:

\$1,553,026. Breakdown: \$53,026 in past medical expenses and \$1,500,000 for pain and suffering.

Trial Information:**Judge:**

Dwayne H. Gillis

**Trial
Deliberations:**

3 hours

Writer

Hospital Negligence - IV Infiltration - Circulatory Blockage

Type: Verdict-Plaintiff

Amount: \$1,200,000

State: District of Columbia

Venue: District of Columbia

Court: District of Columbia, Superior Court, DC

Injury Type(s): • *amputation - arm*

Case Type: • *Medical Malpractice - Hospital*

Case Name: Johnson v. District of Columbia, No. 91-CA00473

Date: February 01, 1994

Plaintiff(s): • Johnson (Female, 0 Years)

Plaintiff Attorney(s): • Gerard E. Mitchell; ; Washington DC for Johnson

Plaintiff Expert (s):

- David Abramson M.D.; Internal Medicine; Washington, DC called by:
- James Egan M.D.; Pediatric Psychiatry; Chevy Chase, MD called by:
- Itzhak Brook M.D.; Internal Medicine; Washington, DC called by:
- Joseph Rose; Vocational Rehabilitation; Washington D.C., MD called by:
- Nicole Cohen-Addad M.D.; Pediatrics; New York, NY called by:
- Sherri Morgan R.N.; Standard of Care; Washington D.C., MD called by:
- Richard Lurito Ph.D.; Economics; McLean, VA called by:
- Dr. William Brownlee; General Surgery; Washington, DC called by:

Defendant(s): • District of Columbia

**Defense
Attorney(s):**

- Maria L. Merkwitz; Washington, DC for District of Columbia

**Defendant
Expert(s):**

- Mairi Macdonald M.D.; Pediatrics; Washington D.C., MD called by: for
- Martin Keszler M.D.; Pediatrics; Washington D.C., MD called by: for
- Gregory Hoy M.D.; Pediatric Surgery; Washington D.C., MD called by: for
- Kathleen Sampeck; Vocational Rehabilitation; Washington D.C., MD called by: for

Facts:

Plaintiff, a three week-old premature infant, was a patient at a hospital owned and operated by Defendant District of Columbia. Plaintiff suffered extensive infiltration from an IV in the back of the hand. Plaintiff's arm was discovered to be without a pulse and was subsequently amputated.

Plaintiff alleged that the IV infiltration created a tourniquet effect which deprived the arm of circulation.

Defendant contended that an embolism secondary to fungal sepsis was the proximate cause of plaintiff's circulatory blockage.

Injury:

Loss of arm.

Result:

\$1.2 million

Trial Information:

Judge:

Joan Zeldon

Trial Length:

0

**Trial
Deliberations:**

1

Post Trial:

This case was originally tried in April, 1993 and resulted in a hung jury. This trial in which the plaintiff obtained a verdict was tried to a six person jury.

Writer

Hospital Negligence - IV Infiltration - Complex Regional Pain

Type: Verdict-Plaintiff

Amount: \$1,056,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *hand/finger* - hand
- *neurological* - reflex sympathetic dystrophy

Case Type:

- *Medical Malpractice* - Hospital

Case Name: Lana Russo v. Southwest General Health Center, No. CV-09-706350

Date: October 06, 2010

Plaintiff(s):

- Lana Russo (Female, 47 Years)

Plaintiff Attorney(s):

- Aaron P. Berg; ; Cleveland OH for Lana Russo

Plaintiff Expert (s):

- Linda Resler R.N.; Nursing; Mason, OH called by:
- Angela Suell; Vocational Rehabilitation; Columbus, OH called by:
- Ronald Missun Ph.D.; Economics; Louisville, KY called by:
- Michael Stanton-Hicks M.D.; Pain Management; Cleveland, OH called by:
- Timothy Lubenow M.D.; Pain Management; Oak Brook, IL called by:

Defendant(s):

- Southwest General Health Center

Defense Attorney(s):

- Donald H. Switzer; Cleveland, OH for Southwest General Health Center

**Defendant
Expert(s):**

- Tammy Fetterman RN; Nursing; Cleveland, OH called by: for
- Edward Feldmann M.D.; Neurology; Providence, RI called by: for

Facts:

A patient claimed she suffered a permanent injury to her left hand due to the negligent administration of IV Phenergan. The defendant hospital denied the allegations, but a Cuyahoga County jury found for the plaintiff and awarded a \$1,056,000 verdict.

Plaintiff Lana Russo presented to Defendant Southwest General Health Center for a hysterectomy. She was hospitalized for two days following the procedure and had a physician's order for 25 mg of IV Phenergan to be given PRN to reduce nausea. Plaintiff suffered IV infiltration, which she said resulted in immediate burning in her left hand, as well as continued pain, swelling and limitation of movement throughout the remainder of her hospital stay. Plaintiff was diagnosed with Complex Regional Pain Syndrome (CRPS). She subsequently underwent extensive therapy and had a spinal cord stimulator implanted to treat her pain.

Plaintiff alleged that a nurse negligently administered the IV Phenergan in a rapid manner, resulting in the IV infiltration. Plaintiff claimed she addressed the incident with at least one nurse and discussed it with hospital personnel at the time of her discharge. Plaintiff claimed a diminished ability to work as a hairstylist as a result of her injury.

Defendant disputed that the Phenergan was negligently administered. Defendant acknowledged an infiltration occurred, but maintained that it occurred during a routine infiltration of IV fluid (Dextrose 5% with Lactated Ringers) well after the Phenergan was administered. Defendant argued that the infiltration was timely addressed by restarting a new IV in the opposite arm. Further, defendant contended that hospital records showed no adverse effects from the Phenergan and indicated that plaintiff was seen and evaluated multiple times by several nurses and doctors who did not note any problems or pain with the left hand/arm during the remainder of her admission.

Plaintiff was a divorced female who was a hairstylist.

Injury:

Negligent administration of IV Phenergan resulting in IV infiltration with burning pain and swelling of the hand. Plaintiff developed Complex Regional Pain Syndrome (CRPS) and also experienced depression and anxiety. She received extensive therapy, ultimately underwent implantation of a spinal cord simulator and was unable to obtain competitive employment due to her condition. Plaintiff claimed \$142,000 in past medicals and claimed future medical care would be required.

Result:

\$1,056,000. Breakdown: \$500,000 for pain and suffering and \$556,000 in economic damages.

Trial Information:

Judge:

Joseph D. Russo

Trial 7 hours
Deliberations:

Editor's Per plaintiff's counsel, due to a variety of issues, including liability and the limitations
Comment: imposed by the medical malpractice tort reform statute, the parties entered into a
confidential high/low agreement.

Writer

Medical Malpractice - IV Infiltration - Leg Injury

Type: Verdict-Plaintiff

Amount: \$750,000

State: Michigan

Venue: Wayne County

Court: Wayne County, Circuit Court, Detroit, MI

Case Type:

- *Domestic Relations*
- *Medical Malpractice*
- *Premises Liability - Fire*

Case Name: Charnay Norris, a minor v. Hutzel Hospital, No. 07-723570-NH

Date: April 09, 2009

Plaintiff(s):

- Charnay Norris (Female, 0 Years)

Plaintiff Attorney(s):

- Ronald S. Bowling; ; Southfield MI for Charnay Norris

Plaintiff Expert(s):

- Michelle Allread R.N.; Nursing; Pontiac, MI called by:

Defendant(s):

- Hutzel Hospital

Defense Attorney(s):

- Judith A. Parrott; Detroit, MI for Hutzel Hospital

Defendant Expert(s):

- Jayne Safi R.N.; Nursing; Ann Arbor, MI called by: for
- Arlene Rozzelle M.D.; Plastic Surgery/Reconstructive Surgery; Detroit, MI called by: for
- Janice Sutton R.N.; Nursing; Shelby Township, MI called by: for
- Alexander Blackwood M.D.; Infectious Diseases; Ann Arbor, MI called by: for

Insurers: • Self-insured (Detroit Medical Center)

Facts: A premature child allegedly suffered permanent scarring from an IV during an extended stay following her birth. Plaintiff claimed extensive scarring as a result of the injury, which defendant blamed on an infection. The jury awarded \$750,000 to plaintiff.

Plaintiff Charnay Norris was born 12 weeks prematurely at Defendant Hutzel Hospital. She required a 2.5 month stay at the hospital, during which time she developed a wound on her left thigh. The wound required treatment and the application of a dressing. Upon discharge, medical records reflect that plaintiff had a healed IV scar. Plaintiff's mother was not told of the cause of the wound/scar. Plaintiff child was referred to a plastic surgeon, who performed surgical revision on the scar.

Plaintiff alleged that defendant failed to assess plaintiff's IV site every hour for signs of infiltration. As a result, plaintiff suffered from an extravasation/infiltration injury to her left thigh that caused a chemical burn, inflammation, swelling and scabbing. The injury required the removal of necrotic tissue and additional extensive medical care and treatment, including surgery. Plaintiff claimed extended pain, discomfort and disability, as well as permanent scarring on her left thigh. Plaintiff claimed defendant's staff deviated from the standard of care by failing to properly monitor the IV and treat plaintiff's wound in failing to advise plaintiff's mother of same. Plaintiff was five years old at the date of trial.

Defendant contended that no IV was ever established in the infant's left thigh and that such a site would never be used for a peripheral IV line. Defendant argued that the child's injury was the result of a bullous impetigo infection (superficial bacterial skin infection or staph bacteria).

Plaintiff was a newborn female.

Injury: Significant left thigh scarring, which was revised by plastic surgery. Plaintiff was left with permanent scarring. She sought damages for additional surgery, extended recovery, permanent scarring, and pain and suffering.

Result: \$750,000

Trial Information:

Judge: Gershwin A. Drain

**Trial
Deliberations:** 2 hours

Writer

Unwatched IV line damaged girl's leg, claimants alleged

Type: Settlement

Amount: \$650,000

State: New York

Venue: New York

Court: Court of Claims, New York, NY

Injury Type(s): • *leg - scar and/or disfigurement, leg*

Case Type: • *Medical Malpractice - Delayed Diagnosis; Failure to Monitor*

Case Name: Samantha Sam, an Infant by Her m/n/g Daphne Sam, and Daphne Sam, Individually v. The State of New York, No. 105492

Date: May 09, 2007

Plaintiff(s): • Daphne Sam (Female)
• Samantha Sam (Female, 1 Years)

Plaintiff Attorney(s): • Robert W. Margulies; Drabkin & Margulies; New York NY for Samantha Sam, Daphne Sam

Plaintiff Expert (s): • Gary Myers M.D.; Neonatology; Rochester, NY called by: Robert W. Margulies
• Howard Cooper M.D.; Plastic Surgery/Reconstructive Surgery; New York, NY called by: Robert W. Margulies
• Patricia Clement; Pediatric Rehabilitation; Nassau County, NY called by: Robert W. Margulies
• Anne Marie Frey R.N.; Nursing; Philadelphia, PA called by: Robert W. Margulies

Defendant(s): • State of New York

Defense Attorney(s): • Albert E. Masry; Assistant Attorney General; New York, NY for State of New York

**Defendant
Expert(s):**

- Lon S. Weiner M.D.; Orthopedics; New York, NY called by: for Albert E. Masry
- Joan Cutrone R.N.; Nursing; New York, NY called by: for Albert E. Masry
- Dr. Deborah Campbell; Neonatology; Bronx, NY called by: for Albert E. Masry

Facts:

On May 13, 2000, claimant Samantha Sam, a 1-month-old prematurely born infant, was undergoing continuous intravenous therapy in the neonatal intensive-care unit of Downstate Medical Center, in Brooklyn. An intravenous line had been inserted in Samantha's right calf to administer that therapy, and when nurse Dawn Parris came on duty at midnight, she documented Samantha's condition. She also documented her assessment of the infant in a patient-progress note and a neonatal intensive-care unit flow sheet.

Parris' next progress note was at 1 a.m., and she did not make any remarks about the intravenous therapy. Her next progress note was at about 2:30 a.m., when she noted that the intravenous site on Samantha's right leg was swollen and discolored. It was determined that the intravenous fluids had infiltrated the tissue surrounding the veins in Samantha's right leg. Parris immediately stopped the intravenous therapy and administered medication to limit the extent of any injury that the infiltration might have caused, but Samantha bears a permanent, residual cosmetic deformity of her right leg.

Samantha's mother, Daphne Sam, acting individually and as Samantha's parent and natural guardian, sued Parris' employer, the state of New York. The claimants alleged that Parris failed to appropriately and timely monitor Samantha's intravenous site, that the failures constituted medical malpractice, and that the state was vicariously liable for Parris' actions.

Trial testimony established that the accepted standard of care for monitoring and assessing an intravenous site for possible infiltration was one hour and that the hospital's policy was to assess the intravenous line every 30 minutes. However, claimants' counsel contended that Parris failed to appropriately monitor Samantha for about 2.5 hours. The claimants' neonatology expert agreed that the appearance of Samantha's injury suggested that the intravenous fluids were infiltrating her right leg for about 2.5 hours. Claimants' counsel also contended that Parris' lack of progress-note entries about the intravenous site within that 2.5-hour period showed that she had not properly monitored the child.

Parris testified that she could not remember any details about her nursing shift that night and that she could only testify as to what her custom and practice was in caring for patients in the neonatal intensive-care unit. Parris' supervisor testified that there was no formal policy requiring a nurse to write a progress note documenting the intravenous inspection, but instead the practice was to document the inspection on a neonatal intensive-care unit flow sheet. Parris testified that she marked her initials on the flow sheet every half hour to indicate that she assessed the intravenous site for signs of an infiltration.

The defense's neonatology expert acknowledged that there was an injury to Samantha's right calf that was consistent with an intravenous infiltration occurring for 30 minutes, but that the infiltration could have lasted up to one hour. The expert also testified that the infiltration to Samantha's right calf could not have lasted 2.5 hours because the resultant injury would have been more extensive, extending into the foot and the thigh.

Injury: The trial was bifurcated, so damages were not before the court.

Samantha sustained injuries as a result of an infiltration of intravenous fluids in the tissue surrounding the veins of her right calf. Claimants' counsel contended that the infiltration left Samantha with a large contracted scar and muscle loss in her right calf. He claimed that Samantha would need future surgeries, including plastic surgery and a procedure to release the Achilles tendon. He also claimed that Samantha has undergone, and will need, many years of therapy.

Samantha claimed that she suffers some impairment, such as "toe walking," and that the infiltration has left her with a lifelong injury.

Samantha's mother sought recovery of damages for Samantha's past and future pain and suffering. She also presented a derivative claim.

Defense counsel contended that Samantha's injury resulted in a cosmetic deformity that did not cause a significant functional impairment.

Result: Based on the extent of Samantha's injuries, Judge Alton Waldon Jr. determined that Parris failed to monitor the intravenous site between midnight and about 2:30 a.m. and that the infiltration went unnoticed for more than a reasonable amount of time.

The case was to have proceeded to damages before Judge Faviola Soto, but the parties agreed to a \$650,000 settlement before that phase of the trial could begin.

Trial Information:

Judge: Alton R. Waldon, Jr.

Demand: \$750,000

Offer: \$450,000

Trial Length: 2 weeks

Editor's Comment: This report includes information that was gleaned from an article that was published by the New York Law Journal and interviews of claimants' and defense counsel.

Writer Tim Heinz

Medical Malpractice - Nasogastric Tube - Placement

Type: Verdict-Plaintiff

Amount: \$582,000

State: Georgia

Venue: DeKalb County

Court: DeKalb County, State Court, GA

Injury Type(s):

- *foot/heel* - foot
- *pulmonary/respiratory* - collapsed lung; lung, puncture

Case Type:

- *Domestic Relations*
- *Medical Malpractice* - Hospital

Case Name: Deborah Gladden, as parent and guardian of Arielle Gladden, a minor v. Egleston Hospital, et al., No. 03A 06899

Date: February 21, 2005

Plaintiff(s):

- Arielle Gladden (Female, 9 Years)
- Deborah Gladden (Female)

Plaintiff Attorney(s):

- Michael L. Goldberg; ; Atlanta GA for Arielle Gladden

Plaintiff Expert (s):

- Philip Witorsch M.D.; Internal Medicine; Washington, DC called by:
- Steven Lichtman M.D.; Pediatrics; Chapel Hill, NC called by:
- Carolyn Walker R.N., Ph.D; Nursing; San Diego, CA called by:

Defendant(s):

- Egleston Hospital, et al.

Defense Attorney(s):

- R. Page Powell Jr.; Atlanta, GA for Egleston Hospital, et al.
- Julie Y. John; Atlanta, GA for Egleston Hospital, et al.

Defendant Expert(s):

- Joy Grant R.N.; Nursing; Falls Church, VA called by: for
- Lee Brooks M.D.; Pulmonology; Philadelphia, PA called by: for
- Kathryn Cheek M.D.; Pediatrics; Columbus, GA called by: for

Insurers:

- Medical Protective Group

Facts:

A child who nearly drowned when a nasogastric tube was allegedly inadvertently placed into her lung rather than her stomach was awarded \$582,000 in damages by a DeKalb County jury. The jury deliberated for 11 hours before returning the verdict.

Plaintiff Arielle Gladden, a 9 year old female, was a patient at Defendant Egleston Hospital. She presented to the hospital for a routine procedure to alleviate constipation. Plaintiff had a nasogastric tube placed into her stomach for the administration of the medication. The medication was then administered during the night while plaintiff slept. The next morning, plaintiff was found unresponsive in her bed. An x-ray allegedly revealed that the tube had been misplaced and the medication had drained into plaintiff's lungs. Plaintiff remained hospitalized for 18 days following this event, during which an IV was placed into her foot to administer medications. The IV infiltrated and resulted in necrosis of her left foot.

Plaintiff alleged that defendant hospital and staff breached the standard of care required for plaintiff's treatment. Plaintiff claimed the nurse was negligent in placing the tube and the doctor negligently failed to obtain an X-ray to determine the correct placement of the tube prior to the administration of medication. She further claimed defendants failed to properly monitor her during the administration of the medication and failed to properly care for, monitor and treat the IV in her foot to avoid necrosis. Plaintiff also alleged that she developed asthma and sleep apnea as a result of defendants' negligence.

Defendants disputed liability and damages. They denied their treatment was substandard and claimed the tube was properly placed prior to the administration of the medication. Defendants contended that plaintiff could have vomited up the tube during the night and then sucked the tube into her lungs spontaneously. Defendants also contended that plaintiff's asthma and sleep apnea were unrelated to these events.

Plaintiff was a 9 year old black female.

Injury:

Misplacement of a nasogastric tube resulting in fluid in the lungs and pulmonary trauma with subsequent sleep apnea and asthma. Plaintiff was hospitalized for 18 days during which she suffered IV infiltration which led to necrosis of her foot. The necrosis required surgical repair and left a 2" x 4" scar to the anterior surface of her left foot. Plaintiff submitted approximately \$94,000 in past medical expenses.

Result:

\$582,000 plus prejudgment interest for a total judgment of \$615,000. Breakdown: \$82,000 for past medical expenses and \$500,000 for pain and suffering.

Trial Information:

Judge: Johnny N. Panos

**Trial
Deliberations:** 11 hours

Writer

Medical Malpractice - IV Placement - Nerve Injury

Type: Settlement

Amount: \$500,000

State: Massachusetts

Venue: Suffolk County

Court: Suffolk County, Superior Court, MA

Case Type:

- *Medical Malpractice*

Case Name: Anonymous Teacher v. Anonymous Anesthesiologist and Anonymous Certified Registered Nurse Anesthetist (CRNA), No. WITHHELD

Date: September 01, 2004

Plaintiff(s):

- Anonymous Teacher (Female, 43 Years)

Plaintiff Attorney(s):

- Leonard A. Simon; ; Boston MA for Anonymous Teacher

Defendant(s):

- Anonymous Anesthesiologist and Anonymous Certified Registered Nurse Anesthetist (CRNA)

Facts:

An IV placement during surgery was mishandled, resulting in compartment syndrome for the patient. The plaintiff sought damages from the anesthesiologist and nurse anesthetist, both of whom pointed fingers at the other. The case settled for \$500,000 prior to trial.

Plaintiff, a 43 year old female, was diagnosed with nasal airway obstruction for which nasal surgery was recommended. At the time of the surgery in June 1996, an IV line was placed on the top of her right hand near her wrist for the administration of anesthesia and fluids. Plaintiff immediately experienced severe pain in her hand and arm where the IV had been placed. She remained fully awake and in pain, but paralyzed by medication throughout the surgery. Although there was a needle adjustment to stop a leak, the IV line placement was allegedly not checked during the surgery. There was evidence that a leak in the IV line caused fluids and medications to soak into the mattress of the operating room table. Following surgery, plaintiff was unable to move her right arm due to massive swelling. In recovery, her hand and arm were elevated and warm compresses were applied to reduce the swelling. Plaintiff suffered infiltration of the IV line into the tissue of her arm instead of the circulatory system. She experienced pain and swelling in her arm for several weeks after the surgery and claimed that the incident caused compartment syndrome of the radial and ulnar nerves, for which she underwent two decompression surgeries two years later.

Plaintiff alleged that the IV fluids infiltrated into her arm and that no one checked the IV line placement during the course of her surgery. She claimed that the anesthesiologist and/or the nurse anesthetist was responsible for the improper placement of the IV and that one or both of them should have checked the IV during the surgery.

Defendant nurse anesthetist claimed that the anesthesiologist had started the IV. However, the anesthesiologist claimed that his only contact with the patient was when he examined her in the recovery room.

Plaintiff was a 43 year old married female who worked as a teacher.

Injury:

Decompression of radial and ulnar nerves in arm resulting in compartment syndrome and the need for two surgeries. Plaintiff claimed residual scarring, stiffness, loss of mobility and range of motion, burning, throbbing, aching and general pain in the right arm and hand. Plaintiff was unable to return to work as of the date of settlement.

Result:

\$500,000

Trial Information:**Writer**

Intravenous line caused permanent injury, plaintiff alleged

Type: Settlement

Amount: \$350,000

State: New York

Venue: New York County

Court: New York Supreme, NY

Injury Type(s):

- *other* - swelling; laparotomy; anastomosis; decreased range of motion
- *epidermis* - numbness
- *hand/finger* - hand
- *gastrointestinal/digestive* - bowel/colon/intestine, perforation

Case Type:

- *Medical Malpractice* - Surgical Error; Delayed Diagnosis; Post-Operative Care

Case Name: Martha Morales v. Alan Goodman, M.D., and New York City Health & Hospitals Corp., No. 107569/08

Date: January 22, 2009

Plaintiff(s):

- Martha Morales (Female, 58 Years)

Plaintiff Attorney(s):

- Brad A. Kauffman; The Law Offices of Brad A. Kauffman, P.C.; New York NY for Martha Morales

Defendant(s):

- Alan Goodman
- New York City Health and Hospitals Corp.

Defense Attorney(s):

- Barry Berger; general counsel, New York City Health and Hospitals Corp.; New York, NY for Alan Goodman, New York City Health and Hospitals Corp.
- Richard Levy; general counsel, New York City Health and Hospitals Corp.; New York, NY for Alan Goodman, New York City Health and Hospitals Corp.

Facts:

On May 30, 2007, plaintiff Martha Morales, 58, a retiree, underwent a screening colonoscopy. The procedure was performed by Dr. Alan Goodman, at Bellevue Hospital Center, in Manhattan. Morales' colon was perforated during the procedure. Goodman promptly discovered the injury, but Morales had to undergo an exploratory laparotomy, resection of the perforated area of her colon and performance of an end-to-end anastomosis.

After the surgery was complete, Goodman administered antibiotics and painkillers, which were delivered via an intravenous line that accessed Morales' right hand. The medication infiltrated her right hand and caused discoloration, numbness, pain, swolleness and a tingling sensation. Morales claimed that she suffers permanent residual damage.

Morales sued Goodman and the hospital's operator, the New York City Health and Hospitals Corp. She alleged that Goodman failed to properly perform the colonoscopy, that Goodman and the hospital's staff failed to promptly diagnose the infiltration, and that the failures constituted malpractice.

Morales' counsel claimed that Goodman did not properly perform the colonoscopy. He also claimed that Morales' residual injuries demonstrate that the infiltration persisted for an excessive length of time. He contended that a timely diagnosis and timely treatment would have minimized Morales' injuries.

Defense counsel contended that a perforation is a well-known, accepted risk of a colonoscopy and that infiltration is an accepted complication of the administration of intravenous medication. He also contended that the infiltration was timely diagnosed and treated.

Injury:

Morales suffered a perforation of her sigmoid colon. She underwent an exploratory laparotomy, which led to resection of the perforated area of her colon and performance of an end-to-end anastomosis.

During her recovery, Morales suffered an infiltration of intravenous medication. The infiltration affected her right hand, and it caused discoloration, numbness, pain, swolleness and a tingling sensation. Morales underwent several months of occupational therapy, but she claimed that she suffers residual reductions of her right hand's mobility and strength of grip. She contended that the restrictions impair her ability to perform everyday household and grooming tasks.

Morales' counsel claimed that the infiltration was not promptly diagnosed. He contended that prompt treatment would have minimized Morales' injuries.

Morales sought recovery of damages for her past and future pain and suffering.

Result:

The parties negotiated a \$350,000 pretrial settlement.

Trial Information:

Judge: Douglas E. McKeon

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

Writer Priya Idiculla

IV infiltration therapy caused injury to newborn, per mother

Type: Settlement

Amount: \$320,000

State: South Carolina

Venue: Richland County

Court: Richland County, Court of Common Pleas, Columbia, SC

Injury Type(s):

- *other* - scar and/or disfigurement
- *hand/finger* - hand
- *surgeries/treatment* - skin graft

Case Type:

- *Medical Malpractice* - Delayed Treatment; Failure to Detect; Failure to Monitor

Case Name: Towanna Neal, Individually, and as Next Friend of A.R.B., a Minor v. Siobhan M. Drumm, D.O. n/k/a Siobhan D. Wulf, D.O., Laura Anne Basile, M.D., Prisma Health, Prisma Health Richland Hospital, Prisma Health Midlands and Prisma Health Medical Group, No. 2020NI4000025

Date: December 22, 2020

Plaintiff(s):

- Towana Neal, (Female, 0 Years)
- A.R.B. A.R.B., (Female, 1 Years)

Plaintiff Attorney(s):

- J. Clay Hopkins; Hopkins Law Firm, LLC; Pawleys Island, SC for Towana Neal
- William E. Hopkins Jr.; Hopkins Law Firm, LLC; Pawleys SC for Towana Neal,, A.R.B. A.R.B.

Plaintiff Expert (s):

- Edward H. Karotkin M.D.; Neonatology; Virginia Beach, VA called by: J. Clay Hopkins, William E. Hopkins Jr.

Defendant(s):

- Prisma Health
- Siobhan M. Drumm D.O.
- Prisma Health Midlands
- Laura Anne Basile M.D.
- Prisma Health Medical Group
- Prisma Health Richland Hospital

**Defense
Attorney(s):**

- Jack G. Gresh; Hall Booth Smith, PC; Charleston, SC for Laura Anne Basile M.D.
- Lauren S. Gresh; Hall Booth Smith, PC; Mount Pleasant, SC for Siobhan M. Drumm D.O.
- James E. Parham Jr.; Law Offices of James E. Parham, Jr.; Irmo, SC for Siobhan M. Drumm D.O., Prisma Health Richland Hospital, Prisma Health Midlands, Prisma Health Medical Group
- James E. Parham Jr.; Law Offices of James E. Parham, Jr. for

Insurers:

- Continental Casualty Co.

Facts:

On March 14, 2018, plaintiff Towanna Neal presented to Prisma Health Richland Hospital in Columbia to deliver her baby. After the infant was born, the baby was immediately transferred to the newborn intensive care unit, where she required constant supervision, monitoring, intravenous therapy, supplemental nutrition and delivering of medication. Neal claimed that her daughter suffered severe intravenous infiltration that led to numerous surgical procedures, including several skin grafts.

Neal, individually and as next friend of her infant daughter, sued Siobhan M. Drumm, Laura Anne Basile, Prisma Health, Prisma Health Richland Hospital, Prisma Health Midlands and Prisma Health Medical Group. Neal alleged medical negligence and violations in the standard of care.

Drumm and Basile were dismissed from the case as improper parties. The case proceeded against the Prisma entities.

Neal alleged that the doctors and hospital departed from the standard of care by failing to recognize risk factors of intravenous infiltration in newborn babies. She also alleged that they failed to timely recognize, identify, diagnose and treat the intravenous infiltration.

Neal's neonatology expert filed an affidavit stating that the defendants failed to properly assess recent medical issues and changes in the infant to determine safe and preventative intravenous monitoring, failed to properly monitor the intravenous site, failed to timely recognize, diagnose and treat the intravenous infiltration and failed to notify the infant's next-of-kin regarding the infiltration. He further stated that these deviations from the standard of care most probably directly and proximately caused and/or contributed to the infant's injuries.

The Prisma entities generally denied the allegations.

Injury:

Neal claimed that her baby suffered damage to her left hand due to intravenous infiltration, and also experienced severe pain and suffering and emotional distress. The hand injury required skin grafts. The infant also underwent other surgical procedures and hospital visits and had scarring and disfigurement on the inside of her arm.

The plaintiffs incurred medical expenses in excess of \$177,443.45. The plaintiffs asserted that the infant will incur future medical expenses and future loss of earning capacity.

On behalf of herself, Neal sought damages related to emotional distress, mental anguish, inconvenience, worry, distress, sleeplessness, anxiety, and reimbursement for time spent traveling to and from medical appointments as a result of the injury to her baby.

Result: The case was settled with the insurer for Prisma agreeing to pay \$320,000. Of this amount, \$112,000 was for attorneys' fees, \$35,122.21 was to be held in trust to satisfy any medical liens, \$72,877.79 was for medical bills and \$100,000 was to be placed in an annuity, with guaranteed annual payments to the child in the sum of \$30,788.18 for five years, beginning March 14, 2036.

Trial Information:

Judge: Robert Hood

Trial Length: 0

**Trial
Deliberations:** 0

**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel and Basile's counsel. Additional information was gleaned from court documents. The remaining defendants' counsel did not respond to the reporter's phone calls.

Writer Gary Raynaldo

Hospital Negligence - IV Infiltration - Monitoring

Type: Verdict-Plaintiff

Amount: \$300,000

State: Georgia

Venue: Dougherty County

Court: Dougherty County, State Court, GA

Injury Type(s):

- *arm*
- *hand/finger* - hand

Case Type:

- *Domestic Relations*
- *Medical Malpractice* - Hospital

Case Name: Sadarius and Tasha Lewis v. Phoebe Putney Memorial Hospital, No. 97-SCV-417

Date: August 13, 1999

Plaintiff(s):

- Tasha Lewis
- Sadarius Lewis (Male, 0 Years)

Plaintiff Attorney(s):

- Chevene B. King Jr.; ; Albany GA for Sadarius Lewis

Plaintiff Expert (s):

- Mary Kautz R.N.; Nursing; Atlanta, GA called by:

Defendant(s):

- Phoebe Putney Memorial Hospital

Defense Attorney(s):

- C. Richard Langley; Albany, GA for Phoebe Putney Memorial Hospital

Defendant Expert(s):

- Trish Hotz R.N.; Nursing; Albany, GA called by: for

Insurers: • Phoebe Putney Memorial Hosp.

Facts: Plaintiff, a 6 week old infant, was admitted to Defendant Phoebe Putney Memorial Hospital with severe dehydration. He received fluids intravenously throughout the night. Sixteen hours after his admission, plaintiff started receiving a blood transfusion through the IV in his left hand. One hour thereafter plaintiff's mother advised a nurse that plaintiff was crying for no apparent reason. A nurse removed the tape covering the IV insertion site and discovered that the IV had infiltrated the tissue in plaintiff's hand, resulting in permanent muscle damage and permanent scarring to his left hand and wrist.

Plaintiff alleged that defendant's employees were negligent in failing to properly insert and monitor the IV and in improperly taping the the IV to his hand.

Defendant contended that plaintiff was properly monitored and that a nurse responded immediately when the pump alarm sounded.

Injury: Muscle damage and permanent significant scarring to left hand and arm. Plaintiff's injuries resulted in weakness and difficulty in gripping objects.

Result: \$300,000

Trial Information:

Judge: John F. Salter

**Trial
Deliberations:** 4 hours

Writer

Patient scarred from incorrect IV administration

Type: Settlement

Amount: \$283,546

State: Texas

Venue: Nueces County

Court: Nueces County District Court, 319th, TX

Injury Type(s): • *other - scar and/or disfigurement*

Case Type: • *Medical Malpractice*

Case Name: Zulema Rubio vs. Doctor's Regional Hospital and Sherry Bartlett, LVN, No. 99-6944-G

Date: May 08, 2000

Plaintiff(s): • Zulema Rubio (Female)

Plaintiff Attorney(s): • Mark A. Weycer; The Weycer Law Firm, P.C.; Houston TX for Zulema Rubio

Plaintiff Expert (s): • Ruthanne Lucas R.N.; Nursing; Houston, TX called by: Mark A. Weycer

Defendant(s): • Sherry Bartlett, LVN
• Doctor's Regional Hospital

Defense Attorney(s): • Michael K. Marsh; The Kleberg Law Firm; Corpus Christi, TX for Doctor's Regional Hospital

Insurers: • PLCM Group

Facts: Zulema Rubio was a patient at Doctor's Regional Hospital on August 18, 1998. She alleged nurse Bartlett incorrectly administered a dextrose IV resulting in IV infiltration into the tissue of her right arm.

Injury: Rubio ended up with severe swelling, blisters and permanent scarring. Also sustained permanent disfigurement. Medical expenses associated with the injury were approximately \$7,000.

Result: Default Judgment was taken on May 11, 2000: \$249,300 actual damages. \$ 34,246 prejudgment interest. \$283,546 Total Judgment. Court sent notice of default and no response was received. Judgment has now become final. Defendant hospital has filed for appeal with the 13th Court of Appeals. Pre-hearing demand: \$250,000 Pre-hearing offer: \$ 12,000 Carrier: PLCM Group

Trial Information:

Judge: Martha Huerta

Writer Robert Benjamin

IV inserted into arm but not vein, causing infiltration injury

Type: Verdict-Plaintiff

Amount: \$250,000

State: Pennsylvania

Venue: Allegheny County

Court: Allegheny County Court of Common Pleas, PA

Injury Type(s): • *other* - compartment syndrome

Case Type: • *Medical Malpractice* - Failure to Monitor; Negligent Treatment

Case Name: Frank Gmitter, Personal Representative of the Estate of Margaret Gmitter, and Frank Gmitter in his own right v. UPMC Presbyterian Hospitals and University of Pittsburgh Physicians, No. G.D. 02-12482

Date: September 28, 2004

Plaintiff(s): • Frank Gmitter (Male, 53 Years)
• Margaret Gmitter (estate of) (Female, 51 Years)

Plaintiff Attorney(s): • Victor H. Pribanic; Pribanic & Pribanic; White Oak PA for Margaret Gmitter (estate of), Frank Gmitter

Plaintiff Expert(s): • Charles Barton R.N.; Nursing; Akron, OH called by: Victor H. Pribanic
• William Hennessey; Physical Medicine; Greensburg, PA called by: Victor H. Pribanic

Defendant(s): • UPMC Presbyterian Hospitals
• University of Pittsburgh Physicians

Defense Attorney(s): • Jennifer M. Kirschler; Dickie, McCamey & Chilcote; Pittsburgh, PA for University of Pittsburgh Physicians, UPMC Presbyterian Hospitals

**Defendant
Expert(s):**

- Christopher Larson M.D.; Anesthesiology; Erie, PA called by: for Jennifer M. Kirschler

Facts:

On Sept. 12, 2001, plaintiffs' decedent Margaret Gmitter, a 51-year-old self-employed seamstress, underwent emergency open chest surgery at UPMC Presbyterian Hospital in Pittsburgh to debulk a tumor. An IV was inserted in her left arm, which was then tucked to her side and covered by a sterile drape. Because the IV was misinserted, fluid was sent into the arm but not the vein and Gmitter developed compartment syndrome (high pressure in a rigid osteofascial (bone-gristle) space reduces blood supply via the smallest vessels (capillaries) so that tissue viability is threatened). As a result of the infiltration injury, she required fasciotomy (cutting of the muscle tissue covering) to release pressure in the compartments and subsequent physical therapy. She died 11 months later from the cancer that was the reason for the original operation.

/CENTER Gmitter's husband and estate sued UPMC Presbyterian Hospital and the surgical group, University of Pittsburgh Physicians, for medical malpractice. They alleged that the doctors failed to monitor the flow of fluids into the arm, which can be detected because IV fluids enter more slowly if the IV is not inserted properly.

The defense maintained that the infiltration injury was an unavoidable complication that arose during the emergency, life-saving surgery.

Injury:

Gmitter suffered compartment syndrome, requiring fasciotomy and nine physical therapy sessions to improve range of motion, and leaving her with scarring of the arm. Her estate did not claim medical expenses. Nor did it claim wage loss, although she was self-employed as a seamstress. Gmitter died 333 days after the surgery from the underlying cancer. Her estate sought damages for her pain and suffering during that time and her husband sought damages for loss of consortium.

Result:

The jury found the defendants liable and awarded \$200,000 in noneconomic damages to Gmitter's estate and \$50,000 to her husband.

Trial Information:

Judge: Cynthia Baldwin

Demand: \$75,000

Offer: \$50,000

Trial Length: 4 days

**Trial
Deliberations:** 4.5 hours

Jury Vote: 12-0

**Jury
Composition:** 2 male, 10 female

Post Trial: The defense filed a motion for for remittitur.

Writer Dave Venino

Nurse failed to monitor IV site correctly, plaintiff claimed

Type: Verdict-Plaintiff

Amount: \$240,360

State: Florida

Venue: Hillsborough County

Court: Hillsborough County Circuit Court, 13th, FL

Injury Type(s): • *neurological* - reflex sympathetic dystrophy

Case Type: • *Medical Malpractice* - Nurse; Anesthesiology; Failure to Monitor

Case Name: Olga Ontivero and Juan Ontivero v. Talent Tree Inc. d/b/a NI Healthcare Resources, Town & Country Hospital, L.P., D.A. Ung, M.D. and Angel P. Vega, M.D., No. 02-CA-008531

Date: December 09, 2005

Plaintiff(s):

- Juan Ontivero (Male, 40 Years)
- Olga Ontivero (Female, 40 Years)

Plaintiff Attorney(s):

- Dario D. Diaz; Dario Diaz, P.A.; Tampa FL for Olga Ontivero, Juan Ontivero
- Andrea Hairelson; Mac A. Greco, Jr., P.A.; Tampa FL for Olga Ontivero, Juan Ontivero
- Mac A. Greco Jr.; Mac A. Greco, Jr., P.A.; Tampa FL for Olga Ontivero, Juan Ontivero

Plaintiff Expert(s):

- F. Reg Albritton; Vocational Rehabilitation; Tallahassee, FL called by: Andrea Hairelson
- Ann Butterfield R.N.; Nursing; Tampa, FL called by: Andrea Hairelson
- Luis Crespo M.D.; Pain Management; Tampa, FL called by: Andrea Hairelson
- Brenda Mulder; Economics; Tampa, FL called by: Andrea Hairelson
- Rafael Rodriguez M.D.; Neurology; Tampa, FL called by: Andrea Hairelson

Defendant(s):

- D.A. Ung, M.D.
- Talent Tree Inc.
- Angel P. Vega, M.D.
- Town & Country Hospital, L.P.

Defense Attorney(s):

- Kevin G. Mercer; Wicker Smith O'Hara McCoy Graham & Ford, P.A.; Tampa, FL for Talent Tree Inc.

Defendant Expert(s):

- Alexa Parker-Clark R.N.; Nursing; Tampa, FL called by: for Kevin G. Mercer
- Robert Martinez M.D.; Neurology; Tampa, FL called by: for Kevin G. Mercer

Facts:

On Jan. 10, 2001, Olga Ontivero, 40s, a janitorial worker and embroiderer, underwent a dilation and curettage at Town & Country Hospital in Tampa performed by OB-GYN Angel Vega under general anesthesia. Several hours after the procedure, infiltration was noticed in Ontivero's left forearm where the anesthesia IV was inserted. The infiltration required a fasciotomy.

Claiming that she suffered from reflex sympathetic dystrophy syndrome (RSD) as a result of the fasciotomy, Ontivero sued the hospital, anesthesiologist D.A. Ung, and the employment company that provided the anesthesiology nurse who attended to Ontivero, and its parent company, Talent Tree Inc., Houston, operating as NI Healthcare Resources, for medical malpractice.

Vega and Ung were dismissed from the case on summary judgment motions.

Town & Country Hospital settled prior to trial for \$75,000.

Ontivero's nursing expert, Ann Butterfield, opined that Talent Tree's nurse failed to properly monitor the IV site.

NI Healthcare Resources nursing expert Alexa Parker-Clark testified that the nurse had monitored the IV site correctly.

Injury:

Ontivero testified that she is in constant pain that makes it impossible to work. Plaintiff's neurology expert Rafael Rodriguez testified that Ontivero suffered from RSD as a result of the fasciotomy. Her pain management expert Luis Crespo testified that Ontivero's RSD was permanent.

Plaintiff's vocational rehabilitation expert F. Reg Albritton testified that the Ontivero was unable to work. She sought an unspecified amount for her medical expenses, wage loss and pain and suffering. Ontivero's husband claimed loss of consortium.

Defendant's neurology expert Robert Martinez testified that Ontivero didn't have RSD.

Result:

The jury found that NI Healthcare Resources and Talent Tree were liable and awarded the plaintiffs \$240,360.

Juan Ontivero

\$3,000 Personal Injury: Past Loss Of Consortium

Olga Ontivero

\$2,360 Personal Injury: Past Medical Cost

\$50,000 Personal Injury: Past Lost Earnings Capability

\$61,000 Personal Injury: FutureLostEarningsCapability

\$62,000 Personal Injury: Past Pain And Suffering

\$62,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: James M. Barton

Trial Length: 5 days

**Trial
Deliberations:** 3 hours

Jury Vote: 6-0

**Jury
Composition:** 3 male, 3 female

Post Trial: A set-off for the prior \$75,000 settlement reduced plaintiff's judgment against Talent Tree to \$162,360, according to defense counsel.

Writer Paula Schaap

Hospital Malpractice - IV Infiltration - Monitoring

Type: Verdict-Plaintiff

Amount: \$186,700

State: Ohio

Venue: Franklin County

Court: Franklin County, Court of Common Pleas, Columbus, OH

Injury Type(s):

- *arm*

Case Type:

- *Medical Malpractice - Hospital*

Case Name: Pauline Boring v. Mount Carmel Health System, No. 00-CV-001635

Date: November 19, 2002

Plaintiff(s):

- Pauline Boring (Female, 68 Years)

Plaintiff Attorney(s):

- Eugene L. Matan; ; Columbus OH for Pauline Boring

Plaintiff Expert (s):

- Samuel Kiehl M.D.; Emergency Medicine; , called by:
- Darnell Roth; Nursing; , called by:

Defendant(s):

- Mount Carmel Health System

Defense Attorney(s):

- Ted L. Earl; Columbus, OH for Mount Carmel Health System

Insurers:

- self-insured (\$5 million)

Facts: An inpatient at defendant hospital suffered an arm injury when IV medication infiltrated her arm. Defendant denied plaintiff's claim of malpractice, but the jury returned a verdict for plaintiff in the amount of \$186,700.

Pauline Boring was a cardiac in-patient at a Defendant Mount Carmel Health System hospital. She alleged that over the course of several days the calcium chloride she was receiving through IV infusion infiltrated the tissue in her arm causing swelling and damage. She underwent plastic surgery for the placement of a flap over her arm as a result of the incident.

Boring alleged that the nurses failed to properly place the IV and to monitor it over the course of several days. Defendant contended that IV infiltration is a risk of the procedure, that it could happen to any nurse and that it did not result from a violation of the standard of nursing care.

Plaintiff was a retired 68 year old widow.

Injury: IV infiltration into plaintiff's arm which required cosmetic surgery with placement of a flap over the arm. Plaintiff use of her hand was impaired and she sought \$30,000 in medicals.

Result: \$186,700

Trial Information:

Judge: Nodine Miller

**Trial
Deliberations:** 3.5 hours

Writer

Hospital Negligence - Monitoring Of Infant IV

Type: Verdict-Plaintiff

Amount: \$175,000

State: Ohio

Venue: Delaware County

Court: Delaware County, Court of Common Pleas, Delaware, OH

Case Type:

- *Domestic Relations*
- *Medical Malpractice - Hospital*
- *Professional Negligence*
- *Agency/Apparent Agency - Respondeat Superior*

Case Name: Simpson v. Grady Memorial Hospital, No. 85-CIV-89

Date: May 05, 1988

Plaintiff(s):

- Simpson (Female, 5 Years)

Plaintiff Attorney(s):

- Dennis M. McCarthy; ; Columbus OH for Simpson
- Joseph W. Schilder; ; Sunbury OH for Simpson

Plaintiff Expert (s):

- Mary Burkett R.N.; Critical Care; Cleveland, OH called by:
- Craig Anderson M.D.; Pediatrics; Columbus, OH called by:
- Martin Torch M.D.; Pediatric Orthopedics; Columbus, OH called by:
- Robert Ruberg M.D.; Plastic & Reconstructive Surgery; Columbus, OH called by:

Defendant(s):

- Grady Memorial Hospital

Defense Attorney(s):

- Clyde Lewis; Delaware, OH for Grady Memorial Hospital
- Jonathan Lewis; Delaware, OH for Grady Memorial Hospital

**Defendant
Expert(s):**

- Ian Baird M.D.; Infectious Diseases; Columbus, OH called by: for
- Carl Backes M.D.; Pediatrics; Columbus, OH called by: for
- Henry Deiderichs M.D.; Pathology; , DE called by: for

Insurers:

- St. Paul's Insurance Co.

Facts:

Plaintiff Tonya Simpson, age 5, was born on February 16, 1983 with a cleft palate deformity. Her condition required an IV which was placed in her right foot by the attending pediatrician. Care and management of the IV was provided by Defendant Grady Memorial nurses. After 17 hours it was noted that a large area of infiltration had occurred and Tonya subsequently required extensive surgery of the infiltrated area.

Plaintiff alleged the Defendant Grady Memorial nurses were negligent in not properly monitoring the IV to check for infiltration and had the IV been properly monitored the infiltration would have been detected much earlier thus avoiding the extensive damage.

Defendant contended that the nursing staff was not negligent and that the injury was a result of infection and not IV infiltration.

Injury:

Permanent scarring and deformity of the right leg.

Result:

\$175,000

Trial Information:

Judge:

Nelfred Kimerline

**Trial
Deliberations:**

3 hours

Writer

Medical Malpractice - IV Infiltration - Burn

Type: Verdict-Plaintiff

Amount: \$90,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *burns* - burns

Case Type:

- *Medical Malpractice* - Hospital

Case Name: Melissa, Paul and Miriam Wallen, et al. v. Cuyahoga County Hospital, d/b/a Cleveland Metro Gen Hospital, No. 128295

Date: October 28, 1991

Plaintiff(s):

- Melissa, Paul and Miriam Wallen, et al. (Female, 0 Years)

Plaintiff Attorney(s):

- Howard D. Mishkind; ; Cleveland OH for Melissa, Paul and Miriam Wallen, et al.

Plaintiff Expert (s):

- J. Sheldon Artz M.D.; Plastic & Reconstructive Surgery; Cleveland, OH called by:
- Murray Pollack M.D.; Pediatrics; Washington D.C., MD called by:

Defendant(s):

- Cuyahoga County Hospital, d/b/a Cleveland Metro Gen Hospital

Defense Attorney(s):

- Stephen D. Walters; Cleveland, OH for Cuyahoga County Hospital, d/b/a Cleveland Metro Gen Hospital
- Debra E. Roy; Cleveland, OH for Cuyahoga County Hospital, d/b/a Cleveland Metro Gen Hospital

Defendant Expert(s):

- Carmen Paradis M.D.; Plastic & Reconstructive Surgery; Cleveland, OH called by: for
- Satish Kalhan M.D.; Pediatrics; Cleveland, OH called by: for

Facts:

Plaintiff was delivered prematurely at Defendant Cleveland Metropolitan General Hospital. She was in critical condition at birth with severe respiratory distress from meconium aspiration. Defendant placed plaintiff in the neonatal intensive care unit. On the day of her birth, an IV infiltrated plaintiff's right hand, resulting in a full thickness burn.

Plaintiff alleged that the severe infiltration and burn she sustained was preventable if the infiltration had been discovered and the IV pulled in a timely manner.

Defendant contended that IV infiltrations are a recognized complication and that the standards for IV management were met. Defendant further contended that plaintiff was in critical condition at birth and that the medical and nursing care received by plaintiff was excellent.

Injury:

Full thickness skin burn resulting in permanent scar on dorsum of right (non-dominant) hand requiring future surgical revision. Plaintiff claimed \$7,100 in future medical expenses and no lost income. Plaintiff is now 8 years old.

Result:

\$90,000 Breakdown: \$75,000 for Melissa (infant)

15,000 for parents

Trial Information:**Judge:**

Robert M. Lawther

Trial Deliberations:

1.5 hours

Writer

Hospital Negligence - IV Infiltration - Infant

Type: Verdict-Plaintiff

Amount: \$15,000

State: Michigan

Venue: Wayne County

Court: Wayne County, Circuit Court, Detroit, MI

Injury Type(s):

- *burns - burns*

Case Type:

- *Domestic Relations*
- *Premises Liability - Fire*
- *Medical Malpractice - Hospital*

Case Name: Walter Parizon and Melissa Parizon v. Children's Hosp. of MI, No. 95-512734-NO

Date: October 10, 1997

Plaintiff(s):

- Walter Parizon (Female, 17 Years)
- Melissa Parizon

Plaintiff Attorney(s):

- James A. Tucker; ; Detroit MI for Walter Parizon

Plaintiff Expert (s):

- Cynthia Stevens R.N.; Nursing; Detroit, MI called by:

Defendant(s):

- Children's Hosp. of MI

Defense Attorney(s):

- James H. Hughesian; Detroit, MI for Children's Hosp. of MI

Insurers:

- Children's Hosp. of MI

Facts: Plaintiff, a two month old infant, was dehydrated. She was taken to the emergency room at Defendant Children's Hospital. After an IV was inserted in plaintiff's foot, she was taken to a ward and ultimately to a room. During the interval of 30 hours, the IV infiltrated, resulting in a severe burn injury to plaintiff's right ankle. At trial, plaintiff was 17 years old. Her parents were advised by three surgeons that the injury could not be repaired.

Plaintiff alleged that defendant was negligent in failing to monitor the IV frequently and in having a nursing assistant and/or student nurse monitor the IV instead of a registered nurse. Further, she suffered varying degrees of numbness and constant pain in her foot due to defendant's negligence.

Defendant contended that plaintiff suffered a known risk and that they complied with the accepted standard of care.

Injury: Severe burn injury to right ankle resulting in partial numbness and constant pain in foot.

Result: \$15,000

Trial Information:

Judge: Claudia House Morcom

**Trial
Deliberations:** 1.5 hours

Writer

Improper IV Therapy By Nurse

Type: Verdict-Defendant

Amount: \$0

State: California

Venue: Tulare County

Court: Superior Court of Tulare County, Tulare, CA

Case Type:

- *Medical Malpractice*

Case Name: Mary Quigley and Ben Quigley v. Kaweah Delta Health Care District and Kaweah Delta Hospital, No. 98-185223

Date: November 08, 1999

Plaintiff(s):

- Ben Quigley (Male, 0 Years)
- Mary Quigley (Female, 68 Years)

Plaintiff Attorney(s):

- Del L. Toledo; ; Visalia CA for Mary Quigley, Ben Quigley

Plaintiff Expert (s):

- Carlos Dominguez M.D.; General Practice; Visalia, CA called by: Del L. Toledo
- Patricia Flyer R.N.; Nursing; Brea, CA called by: Del L. Toledo

Defendant(s):

- Kaweah Delta Hospital
- Kaweah Delta Health Care District

Defense Attorney(s):

- M. Robert Bettencourt; Hurlbutt, Clevenger, Long, Rauber & Nelson; Visalia, CA for Kaweah Delta Health Care District, Kaweah Delta Hospital

Defendant Expert(s):

- Robert Barnes M.D.; General Practice; Bakersfield, CA called by: for M. Robert Bettencourt

Insurers:

- self-insured (\$5 million)

Facts: April 18, 1998, at 2:00 p.m., plaintiff, a 68-year-old retired woman, presented to defendants' ER with low calcium. An IV using calcium gluconate and calcium chloride, caustic medicines, was started in plaintiff's wrist. An infiltration occurred, resulting in the chemical ulceration of plaintiff's left wrist.

Plaintiff's husband sued for loss of consortium.

Plaintiff contended that the nurse started the IV in plaintiff's hand, rather than the wrist, at a vein that was too small for the needle; that the nurse was falling asleep and jiggled the needle such that the IV infiltrated; and that the nurse forced the medicine in too quickly, resulting in a blown vein.

Defendants contended that the chart indicated that the IV was placed in an appropriate vein in the wrist; that the nurse followed all procedural safeguards to avoid infiltration; and that infiltration is an inherent risk of IV therapy.

Plaintiff attorney asked the jury to award \$500,000.

Injury: Injuries: Plaintiff claimed that she suffered a chemical ulceration of the left wrist.

Residual scarring, pain, and "a pulling sensation."

Specials: Not in evidence.

Result: Settlement talks: Demand \$120,000 CCP 998 by Mary Quigley and \$5,000 by Ben Quigley. Offer \$5,000 CCP 998 to Mary Quigley.

DEFENSE VERDICT. 9-3

Plaintiff Ben Quigley withdrew his claim for loss of consortium after the first day of trial, when it was learned that he had left his wife two years prior to the incident.

Motion for new trial not made as of publication date. November 8, 1999

Trial Information:

Judge: David L. Allen

Trial Length: 4 days

**Trial
Deliberations:** 6 hours

Writer S Domer

Medical Malpractice - IV Infiltration - Monitoring Patient

Type: Verdict-Defendant

Amount: \$0

State: Maryland

Venue: Baltimore County

Court: Baltimore County, Circuit Court, MD

Injury Type(s): • *arm*

Case Type: • *Medical Malpractice*

Case Name: Adele Consoli v. Charles Rizzuto, M.D. and York Road Anesthesiology Associates, P.A., No. 03C97004729

Date: December 14, 1998

Plaintiff(s): • Adele Consoli (Female, 76 Years)

Plaintiff Attorney(s): • Robert L. Hanley Jr.; ; Towson MD for Adele Consoli

Plaintiff Expert (s): • William Berger M.D.; Anesthesiology; San Francisco, CA called by:

Defendant(s): • Charles Rizzuto, M.D. and York Road Anesthesiology Associates, P.A.

Defense Attorney(s): • Margaret R. Miller; Towson, MD for Charles Rizzuto, M.D. and York Road Anesthesiology Associates, P.A.

**Defendant
Expert(s):**

- E.F. Shaw Wilgis M.D.; Hand Surgery; Baltimore, MD called by: for
- Andrew Greenberg M.D.; Anesthesiology; Baltimore, MD called by: for
- Charles Leve M.D.; Anesthesiology; Baltimore, MD called by: for

Insurers:

- PCIGC

Facts:

Plaintiff was admitted to the hospital for posterior neck fusion secondary to long-standing rheumatoid arthritis. Defendant anesthesiologist placed an IV in plaintiff's right arm. Surgery was performed over a four hour period with plaintiff in a prone position and her arm strapped tightly to her side. The IV allegedly infiltrated plaintiff's right arm, resulting in compartment syndrome necessitating a fasciotomy.

Plaintiff alleged that defendant was negligent in failing to monitor the IV infusion and IV site before, during and after the infusion, causing the IV to infiltrate the arm and resulting in compartment syndrome.

Defendant contended that: (1) he properly monitored the IV; (2) IV infiltration is an accepted risk of the position the patient must be placed in to undergo this surgery; and (3) plaintiff's rheumatoid arthritis was the proximate cause of her disability.

Injury:

Compartment syndrome of right arm requiring fasciotomy and resulting in permanent scarring and 15% permanent partial disability. Plaintiff claimed \$7,000 in medical specials.

Result:

Defense verdict

Trial Information:

Judge:

Christian M. Kahl

**Trial
Deliberations:**

1.5 hours

Writer



Nursing Malpractice - IV Chemotherapy - Infiltration

Type: Verdict-Defendant

Amount: \$0

State: Michigan

Venue: Oakland County

Court: Oakland County, Circuit Court, Pontiac, MI

Injury Type(s):

- *burns - burns*

Case Type:

- *Medical Malpractice*

Case Name: Lee Douglas, et al. v. Newland Medical Associates, No. 2008-096782-NH

Date: October 14, 2010

Plaintiff(s):

- Lee Douglas, et al. (Male, 76 Years)

Plaintiff Attorney(s):

- Gregory W. Wix; ; Southfield MI for Lee Douglas, et al.

Defendant(s):

- Newland Medical Associates

Defense Attorney(s):

- Robert P. Siemion; Southfield, MI for Newland Medical Associates

Insurers:

- AP Capital

Facts: A chemotherapy patient suffered chemical burns due to IV infiltration. Plaintiff claimed nursing malpractice, which was disputed by the defendant. An Oakland County jury presented with the case returned a verdict of no cause of action.

Plaintiff Lee Douglas was undergoing IV chemotherapy at Defendant Newland Medicals Associates for treatment of colorectal cancer. On the day in question, he suffered extravasation (leakage from the IV line) into the tissue of his arm. Plaintiff sustained third-degree chemical burns, which required three skin grafts and 1.5 years for the wound to heal. Plaintiff died from unrelated causes (non-cancerous death) prior to trial.

Plaintiff alleged defendant's nurses failed to properly monitor the IV therapy, thereby allowing the chemical to leak into plaintiff's arm for a prolonged period of time. Plaintiff did not dispute the dosage or appropriateness of the chemotherapy drug. Plaintiff maintained he was sensitive to the drug, as its burning effect on him was unusual. He claimed he should have been monitored every 15 to 20 minutes and, had that been done, the nurses would have noticed the ballooning of his arm.

Defendant contended that plaintiff was properly monitored. Further, defendant argued there were nurses around plaintiff at all times. Defendant argued that its staff complied with the standard of care; this injury was a risk of the procedure, which can occur without negligence; and the complications experienced by plaintiff were unavoidable.

Plaintiff was a 76-year-old married male who was retired. He passed away from unrelated causes before trial commenced.

Injury: Third-degree chemical burns from intravenous extravasation into plaintiff's arm during chemotherapy treatment. Plaintiff required three skin grafts and the wounds did not heal for 1.5 years. Plaintiff claimed limited range of motion as a result of the injury.

Result: No cause

Trial Information:

Judge: Edward Avadenka

Trial Deliberations: 3 hours

Editor's Comment: There was no appeal and this case is closed.

Writer

IV infiltration injury violated medical standards, per patient

Type: Verdict-Defendant

Amount: \$0

State: Michigan

Venue: Oakland County

Court: Oakland County, Circuit Court, MI

Injury Type(s):

- *arm* - scar and/or disfigurement, arm

Case Type:

- *Medical Malpractice* - Nurse; Hospital; Failure to Monitor

Case Name: Charles Ronald Latham v. William Beaumont Hospital and Judith Hayes, No. 2013-132725-NH

Date: February 03, 2015

Plaintiff(s):

- Charles Ronald Latham (Male, 52 Years)

Plaintiff Attorney(s):

- John Ali Hamood; Goodman Acker, PC; Southfield MI for Charles Ronald Latham

Defendant(s):

- Judith Hayes
- William Beaumont Hospital

Defense Attorney(s):

- James E. Tamm; O'Connor DeGarzia Tamm & O'Connor, PC; Bloomfield Hills, MI for William Beaumont Hospital, Judith Hayes

Facts:

In September 2012, plaintiff Charles Ronald Latham, 52, disabled and unemployed, was a customer in a bank. While in the bank, he passed out, fell to the floor and hit his head. Latham sustained a subdural hematoma, which had to be surgically drained. As a result of the head injury, he was hospitalized at defendant William Beaumont Hospital. He had a history of multiple medical problems, including prior cardiac bypass surgery, an indwelling pacemaker and fibrillator, and was prescribed significant amounts of medication. While being treated, he was found to have low potassium levels, suffered a seizure and his fibrillator was set off. He required infusion of potassium chloride, which was initially provided through a peripheral venous line and then moved where it continued to be administered in his arm. After removal of the line, it was found that some of the potassium chloride had leaked into surrounding arm tissue, causing damage to the tissue and scarring.

Latham filed suit against William Beaumont Hospital, alleging medical malpractice. Several individuals were also named as defendants, but they were dismissed prior to trial. Latham died of unrelated causes during the pendency of the case and the personal representative of his estate was substituted as the plaintiff.

The plaintiff alleged that the hospital and members of its staff failed to monitor the intravenous line. The plaintiff argued that it was a violation in the standard of care for this type of injury to occur.

The hospital contended that leakage of the fluid into the patient's arm was a recognized complication and not a violation in the standard of care. The defense also asserted that its nurses and staff properly monitored Latham and that the injury he sustained can occur in the absence of negligence. Further, the defense argued that Latham was non-compliant in his cardiac treatment. Had he taken his medication as prescribed, the defense argued, he would not have passed out in the bank.

Injury:

Latham alleged he sustained damaged tissue in his arm, as well as scarring, as a result of potassium chloride infiltration.

Latham sought damages to compensate him for his pain and disfigurement.

The defense contended that Latham had multiple other body scars, including surgical scarring from prior bypass surgery, chest tube scars and scars from stab wounds. The defense contended that the scarring to Latham's arm did not justify a damages award.

The defense stipulated to the inclusion of all of Latham's medical records, which included a note that the fibrillator was removed because he did not like it when it activated.

Case evaluation was \$60,000.

Result:

The jury found for the defendant and a verdict of no cause of action was entered.

Trial Information:

Judge: Rudy J. Nichols

Trial Length: 2 days

**Trial
Deliberations:** 30 minutes

Jury Vote: Unanimous

**Jury
Composition:** 6 jurors, plus 2 alternates

Post Trial: Defendants waived costs and sanctions. There was no appeal and this case is closed.

**Editor's
Comment:** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to a request for comment.

Writer Margi Banner

Medical Malpractice - Emergency Treatment - Hand/Arm Deformity

Type: Verdict-Defendant

Amount: \$0

State: Michigan

Venue: Oakland County

Court: Oakland County, Circuit Court, Pontiac, MI

Injury Type(s):

- *arm*

Case Type:

- *Medical Malpractice*

Case Name: Patricia Kesteloot v. William Beaumont Hospital, et al., No. 02-144375-NH

Date: July 25, 2004

Plaintiff(s):

- Patricia Kesteloot (Female, 36 Years)

Plaintiff Attorney(s):

- Victor L. Bowman; ; Southfield MI for Patricia Kesteloot

Defendant(s):

- William Beaumont Hospital, et al.

Defense Attorney(s):

- Donald K. Warwick; Southfield, MI for William Beaumont Hospital, et al.

Defendant Expert(s):

- Neal Little M.D.; Emergency Medicine; Ann Arbor, MI called by: for

Insurers:

- self-insured (\$5 million)

Facts:

A woman who claimed a permanent hand and arm deformity due to an IV infiltration was unable to convince a jury that the hospital which provided her care was negligent. An Oakland County jury returned a verdict in favor of defendants after 2 hours of deliberation.

Plaintiff Patricia Kesteloot had a history of anorexia and bulimia. She was found unresponsive at her home. EMS was called and determined that plaintiff was suffering from hypoglycemia. Technicians began an infusion of B-50 glucose, a heavy concentration of sugar to combat her hypoglycemia. She was ultimately transported to Defendant William Beaumont Hospital, where an emergency physician treated her. Plaintiff was admitted for psychiatric and internal care. Plaintiff waited in the emergency room area for transfer to the medical protective care unit for eight hours during the morning and early afternoon. During that time, she received IV doses of fluids and 5% dextrose (sugar). She became unresponsive in mid-afternoon and was given oxygen, bagged and infused with more B-50 concentrated glucose. A resident then discovered an IV infiltration and, several hours later, plaintiff's arm turned blue and swelled. She was diagnosed with compartment syndrome and underwent a surgical fasciotomy which was successful. Plaintiff was treated for several more days for her anorexia and bulimic condition and released.

Plaintiff alleged that she was left unattended in the emergency room for eight hours without proper monitoring by the attending physician or nurses. Plaintiff claimed that, if she had been properly attended, the IV would not have infiltrated her arm and she would not have required surgery. She alleged that the surgery, which included skin graft repair, left her deformed and scarred. Plaintiff also argued that she was not given appropriate nutrients in the IV, which was what ultimately caused her unresponsiveness in the emergency room.

Defendant contended that plaintiff was properly monitored while in the emergency room. Defendant argued that plaintiff's preexisting anorexia and bulimia made her tissue so friable that it was more susceptible to compartment syndrome. Moreover, defendant argued that infiltration can occur in the absence of malpractice and that plaintiff's compartment syndrome may have been caused by her lying on her arm while unresponsive at home. Additionally, defendant claimed that plaintiff's condition was rare and developed because of her underlying condition. Defendant acknowledged that plaintiff had scarring, but argued that any permanent deformity was grossly overstated.

Plaintiff was a 36 year old single female who was a graduate student.

Injury:

Scarring on the arm and hand from skin grafting necessitated by intravenous (IV) damage. Plaintiff claimed her injury prevented her from returning to her graduate studies.

Result:

No cause

Trial Information:**Judge:**

Rudy J. Nichols

Trial 2 hours
Deliberations:

Writer

Hospital Negligence - Infiltration - IV

Type: Verdict-Defendant

Amount: \$0

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Case Type:

- *Medical Malpractice - Hospital*

Case Name: Ernest T. McMorrow v. Cleveland Clinic Foundation, No. CV320150 1311

Date: July 29, 1999

Plaintiff(s):

- Ernest T. McMorrow (Male, 64 Years)

Plaintiff Attorney(s):

- Theresa A. Tarchinski; ; Akron OH for Ernest T. McMorrow

Defendant(s):

- Cleveland Clinic Foundation

Defense Attorney(s):

- Susan M. Reinker; Cleveland, OH for Cleveland Clinic Foundation

Facts: Plaintiff underwent cardiac bypass surgery at Defendant Clinic. Several days after the surgery he had to be rushed back to ICU after developing respiratory complications. He was hooked up to an IV while in the clinic.

Plaintiff alleged that: (1) defendant's nurses failed to properly monitor plaintiff and allowed his IV to infiltrate; and (2) plaintiff suffered nerve deficit in his hand with resulting numbness in his fingers as a direct result of the infiltration of his IV.

Defendant contended that: (1) plaintiff was properly monitored by the nursing staff; (2) there was no evidence of infiltration; (3) the nerve deficit could have been caused by another factor of the cardiac surgery; (4) plaintiff had pre-existing arthritis in his hands; and (5) if an infiltration occurred, plaintiff assumed the risk by having the cardiac surgery.

Injury: Numbness in fingers of left hand resulting from infiltration of an IV.

Result: Defense verdict

Trial Information:

Judge: Ronald Suster

**Trial
Deliberations:** 2 hours

Writer

Patient suffered chemical burn from IV infiltration

Type: Mediated Settlement

Amount: \$0

State: Texas

Venue: Smith County

Court: Smith County District Court, 241st, TX

Injury Type(s):

- *arm*
- *burns - chemical*

Case Type:

- *Medical Malpractice - Nurse*

Case Name: David Wood v. East Texas Medical Center and East Texas Medical Center Regional Healthcare System, d/b/a East Texas Medical Center, No. 03-0083-C

Date: December 12, 2004

Plaintiff(s):

- David Wood (Male, 35 Years)

Plaintiff Attorney(s):

- Marc E. Stewart; Law Offices of Marc E. Stewart; Houston TX for David Wood
- Blake Deady; Law Offices of Marc E. Stewart; Houston TX for David Wood

Plaintiff Expert (s):

- Joyce Kennedy R.N.; Nursing; Houston, TX called by: Marc E. Stewart, Blake Deady

Defendant(s):

- East Texas Medical Center
- East Texas Medical Center Regional Healthcare System

Defense Attorney(s):

- Dick Davis; Howard, Davis & Bunt; Tyler, TX for East Texas Medical Center Regional Healthcare System, East Texas Medical Center

Insurers:

- confidential

Facts: On Jan. 16, 2001, plaintiff David Wood, 35, a former truck driver who, years earlier, had been rendered quadriplegic in an accident with a drunk driver, was admitted to East Texas Medical Center in Tyler for treatment of respiratory distress and a urinary-tract infection. He was hooked up to an IV, which infiltrated his arm, causing injury.

Wood sued the medical center and its parent company, East Texas Medical Center Regional Healthcare System. He alleged that the nursing staff failed to monitor the IV properly.

The defendants argued that infiltration is a known complication of IVs and that there was no negligent treatment.

Injury: Wood suffered a chemical burn to the arm, requiring surgical debridement. He claimed medical bills of \$62,156.55 but because of his quadriplegia, he felt no pain and did not seek noneconomic damages.

The hospital argued that it had either waived large portions of the bill or written it off as bad debt.

Result: The parties reached a confidential settlement in mediation.

The mediator was Jim Knowles, of the Wilson Law Firm.

Trial Information:

Judge: Jack Skeen Jr., Jim Knowles

Writer John Schneider

Medical Malpractice-

Type: Verdict-Defendant

Amount: \$0

State: New York

Venue: Queens County

Court: Queens Supreme, NY

Case Type: • *Medical Malpractice*

Case Name: George Fedoriw v. Jamaica Hospital Medical Center, No. 25531/98

Date: May 13, 2002

Plaintiff(s): • George Fedoriw (Male, 60 Years)

Plaintiff Attorney(s): • Martin M. Seinfeld; Pearlman, Apat & Futterman; Kew Gardens NY for George Fedoriw

Plaintiff Expert (s): • Elaine Kinsella R.N.; Nursing; Saratoga, NY called by:

Defendant(s): • Jamaica Hospital Medical Center

Defense Attorney(s): • Jerry Giardina; Carlucci, Giardina & Farrell, L.L.P.; New York, NY for Jamaica Hospital Medical Center

Defendant Expert(s): • Mary Tesoro R.N.; Nurse Practitioner; Bronx, NY called by: for

Injury:

On 2/4/98, plaintiff, age 60 at the time, was brought to defendant Hospital after suffering a massive heart attack. He claimed that defendant's nurses negligently inserted an IV line for Dopamine and failed to properly monitor it, allowing an IV infiltration of the drug over an extended period, and causing a permanent scar on his forearm. He also contended that defendant failed to properly treat the infiltration with Phentolamine or Regitine, the antidote for a Dopamine infiltration which, when administered appropriately, can significantly reduce or eliminate the scar. Plaintiff claimed that a central line should have been started rather than running the Dopamine in an upper extremity.

Defendant Jamaica Hospital claimed that the IV was properly started and that the forearm was an appropriate site for the administration. Defendant also contended that plaintiff was properly monitored, as documented by the hospital record, and that the infiltration was timely discovered. Defendant argued that if the infiltration had gone on for an extended period, plaintiff would have had a much larger scar and burned area. Defendant also contended that infiltration is a risk of an IV and that it can and does occur without negligence.

The jury found that there was a departure with regard to defendant's charting, but no causation.

Plaintiff is left with a permanent scar on his left forearm. He claimed that the scar is disfiguring and that it impairs his enjoyment of life including ballroom dancing. Offer: \$20,000; demand: \$75,000; amount asked of jury: approximately \$250,000.

Result:

Defense verdict 6/0. Post-trial motions were denied. Jury: 2 male, 4 female.

Trial Information:

Judge: Patricia P. Satterfield

**Trial
Deliberations:** 2.5

Writer

Medical Malpractice - Intravenous Therapy - Infiltration

Type: Verdict-Defendant

Amount: \$0

State: Ohio

Venue: Montgomery County

Court: Montgomery County, Court of Common Pleas, Dayton, OH

Case Type:

- *Medical Malpractice - Hospital*

Case Name: Earlene Noble v. Sisters of Charity Health Care Systems DBA Good Samaritan Hospital, No. 95-CVA-4230

Date: November 07, 1996

Plaintiff(s):

- Earlene Noble (Female, 50 Years)

Plaintiff Attorney(s):

- Marylee Gill Sambol; ; Trotwood OH for Earlene Noble

Plaintiff Expert (s):

- Karen Buhl R.N.; Critical Care; Dearborn, MI called by:
- Keith Perrine M.D.; Plastic & Reconstructive Surgery; Dayton, OH called by:
- Pennie Peralta R.N.; Critical Care; Charleston, SC called by:
- Elliott Davidson M.D.; Family Medicine; Dayton, OH called by:

Defendant(s):

- Sisters of Charity Health Care Systems DBA Good Samaritan Hospital

Defense Attorney(s):

- John F. Haviland; Dayton, OH for Sisters of Charity Health Care Systems DBA Good Samaritan Hospital

Insurers:

- MSJ

Facts: Plaintiff was admitted to Defendant Good Samaritan Hospital for treatment of pylonephitis. Intravenous antibiotic therapy was initiated. Approximately one week later, following plaintiff's discharge from the hospital, her left hand began to discolor at the site of the intravenous therapy. The hand continually worsened, ultimately requiring multiple debridement procedures and skin graft surgery.

Plaintiff alleged that she had complained of pain in the area of her left hand from the time the IV was placed until after it was removed, and that the IV infiltrated (penetrated surrounding tissue), resulting in the injury to her hand.

Defendant contended that: (1) plaintiff did not complain of pain during her hospitalization; (2) complaints of pain were not documented in the hospital chart; and (3) IV infiltration is an inherent risk of IV therapy and does not necessarily result from negligence.

Injury: Necrotic injury to left (non-dominant) hand requiring debridement and skin graft surgery and resulting in permanent scarring on top of hand and limitations in motion and function of hand.

Result: Defense verdict

Trial Information:

Judge: Mary E. Donovan

**Trial
Deliberations:** 3 hours

Writer

IV infiltration was known risk of procedure, defense argued

Type: Verdict-Defendant

Amount: \$0

State: Massachusetts

Venue: Plymouth County

Court: Plymouth County, Superior Court, MA

Injury Type(s):

- *other - thumb*

Case Type:

- *Medical Malpractice - Nurse; Hospital; Negligent Treatment*

Case Name: Kimberly Elridge v. Hannah Stone, R.N., No. 1283CV01282

Date: January 20, 2016

Plaintiff(s):

- Kimberly Elridge (Female, 30 Years)

Plaintiff Attorney(s):

- Charlotte E. Glinka; Keches Law Group, P.C.; Milton CT for Kimberly Elridge

Defendant(s):

- Hannah Stone, R.N.

Defense Attorney(s):

- John P. Faggiano; Faggiano & Associates, PC; Brookline, MA for Hannah Stone, R.N.

Facts: In 2011, plaintiff Kimberly Elridge, 30s, unemployed, was in a local hospital where she was being treated with nausea medication. Hannah Stone, R.N. administered the medication through an IV placed in Elridge's thumb. IV infiltration occurred. As a result, Elridge claimed functional loss of the thumb and loss of her fingernail.

Elridge sued Stone, alleging medical negligence.

Elridge alleged that Stone negligently administered an unnecessary medication via an IV into an inappropriate site in her thumb. Elridge testified that she was screaming as Stone administered the medication and Stone then jammed the medication through the syringe. Elridge claimed that Stone exhibited inappropriate nursing judgment, which was a violation of professional standards.

Stone denied the allegations. She contended that she was following orders to administer the nausea medication and that the only access for the IV was in Elridge's thumb. Further, Stone argued that infiltration of IV fluids is a known risk of the procedure.

Injury: Elridge claimed that administration of the nausea medication was contraindicated and that an IV was improperly placed in her thumb. As a result, she argued that the medication infiltrated her thumb and she suffered functional loss of the digit, as well as loss of her fingernail.

Elridge sought economic and non-economic damages.

Result: The jury found for the defendant and a defense verdict was entered.

Trial Information:

Trial Length: 5 days

**Trial
Deliberations:** 1 hours

**Jury
Composition:** 12 jurors

Post Trial: There was no appeal and this case is closed.

**Editor's
Comment:** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to a request for comment.

Writer Margi Banner

Teen's hand scarred by leakage from intravenous line

Type: Verdict-Defendant

Amount: \$0

State: New York

Venue: Chautauqua County

Court: Chautauqua Supreme, NY

Injury Type(s):

- *other* - swelling; scar and/or disfigurement
- *surgeries/treatment* - skin graft; debridement

Case Type:

- *Medical Malpractice* - Nurse; Failure to Monitor; Post-Operative Care

Case Name: Mary Ruiz, Individually and as Parent and Natural Guardian of Luis Ramos v. Strong Health MCO, Inc. d/b/a Strong Memorial Hospital and Golisano Children's Hospital, No. 1000792/04

Date: March 23, 2007

Plaintiff(s):

- Mary Ruiz (Female)
- Luis Ramos (Male, 12 Years)

Plaintiff Attorney(s):

- David W. Olsen; Brown Chiari LLP; Lancaster NY for Mary Ruiz, Luis Ramos

Plaintiff Expert(s):

- Verna Kieffer RN, Ph.D.; Nursing; Buffalo, NY called by: David W. Olsen

Defendant(s):

- Strong Health MCO Inc.

Defense Attorney(s):

- Thomas C. Burke; Osborn, Reed & Burke, LLP; Rochester, NY for Strong Health MCO Inc.

Defendant Expert(s):

- Linda McCausland Ed.D.; Nursing; Buffalo, NY called by: for Thomas C. Burke

Insurers: • MCIC Vermont Inc.

Facts: On Aug. 5, 2003, plaintiff Luis Ramos, 12, underwent fusion of portions of his spine. The surgery addressed Luis' congenital muscular dystrophy, and it was performed at Strong Memorial Hospital, in Rochester. After the surgery was complete, Luis was transferred to the hospital's pediatric intensive-care unit. Fluids were administered via an intravenous line, but a nurse subsequently discovered that the fluids had infiltrated Luis' right hand. The hand became swollen, and the resultant damage ultimately necessitated surgical intervention.

Luis' mother, Mary Ruiz, acting individually and as Luis' parent and natural guardian, sued the hospital's operator, Strong Health MCO Inc. She alleged that Luis' nurses failed to properly monitor the intravenous line and that the failure constituted medical malpractice.

Plaintiffs' counsel claimed that Luis was being administered toxic substances and that, as such, nurses should have properly secured and continually monitored the intravenous line.

Defense counsel contended that an infiltration does not necessarily establish that malpractice occurred. He claimed that an infiltration can occur during perfectly appropriate medical care, and he further claimed that Luis' nurses appropriately and regularly monitored the intravenous line and that they did not administer any fluid that would have caused an adverse reaction.

Injury: Luis' right hand suffered an infiltration of intravenously administered fluid. He underwent surgery that included debridement of the hand and the application of skin grafts that were harvested from his right forearm. He bears residual scars of his right forearm and hand.

Luis' mother sought recovery of damages for Luis' past and future pain and suffering. She also presented a derivative claim.

Result: The jury rendered a defense verdict. It found that the nurses did not improperly monitor or secure the intravenous line.

Trial Information:

Judge: Timothy J. Walker

Trial Length: 4 days

**Trial
Deliberations:** 4 hours

**Jury
Composition:** 2 male, 4 female

Post Trial: Judge Timothy Walker denied plaintiffs' counsel's motion to set aside the verdict and plaintiffs' counsel's motion for a new trial .

Editor's Comment: This report is based on information that was provided by defense counsel. Plaintiffs' counsel did not respond to the reporter's phone calls.

Writer Tim Heinz

Doctor: IV infiltration did not appear to warrant antibiotics

Type: Verdict-Defendant

Amount: \$0

State: California

Venue: San Francisco County

Court: Superior Court of San Francisco County, San Francisco, CA

Injury Type(s): • *other* - ablation; infection; osteomyelitis; physical therapy

Case Type: • *Medical Malpractice* - Hospital; Failure to Treat; Failure to Diagnose

Case Name: Susan Mallen and William J. Mallen v. California Pacific Medical Center, Sutter Health, Matthew C. McAndrew, M.D., and Does 1 through 50, Inclusive, No. CGC 13 534704

Date: September 30, 2015

Plaintiff(s): • Susan Mallen (Female, 53 Years)
• William J. Mallen

Plaintiff Attorney(s): • Christopher B. Dolan; The Dolan Law Firm; San Francisco CA for Susan Mallen, William J. Mallen

Plaintiff Expert (s): • Sundar S. Natarajan M.D.; Hospitalist Medicine; Stockton, CA called by: Christopher B. Dolan

Defendant(s): • Matthew C. McAndrew, M.D.
• Sutter West Bay Hospitals

Defense Attorney(s): • James M. Goodman; Hassard Bonnington, LLP; San Francisco, CA for Matthew C. McAndrew, M.D.
• None reported; San Francisco, CA for Sutter West Bay Hospitals
• Warren R. Webster; Hassard Bonnington, LLP; San Francisco, CA for Matthew C. McAndrew, M.D.

**Defendant
Expert(s):**

- Benny Gavi M.D., M.T.S.; Hospitalist Medicine; Stanford, CA called by: for James M. Goodman, Warren R. Webster
- Patrick Joseph M.D.; Infectious Diseases; San Ramon, CA called by: for James M. Goodman, Warren R. Webster

Facts:

On July 10, 2012, plaintiff Susan Mallen, 53, an executive assistant, presented to California Pacific Medical Center for an evaluation of a potential stroke and heart attack, which she thought she was having. The evaluation process was quite extensive -- consisting of CT and MRI scans, and a nuclear medicine heart scan -- and she also received a routine peripheral intravenous line in an arm. On her last day at the hospital, on July 13, 2012, it was discovered that Mallen had suffered an infiltration around the IV site, a common inflammation from IV placement. Dr. Matthew McAndrew, the on-call hospitalist, discharged Mallen home.

On July 16, 2012, Mallen presented to another hospital with an inflamed arm and she was given antibiotics, which were thought to have killed the infection in Mallen's arm. As a result, she was sent home.

Three days later, Mallen returned to the other hospital and was hospitalized. Blood taken during both visits showed bacteria still in Mallen's blood. However, during her hospitalization on July 19, 2012, it was discovered that Mallen had spinal osteomyelitis at T10-11.

Mallen sued McAndrew and the operator of California Pacific Medical Center, Sutter West Bay Hospitals. Mallen alleged that McAndrew failed to treat and diagnose the infection caused by the IV infiltration and that this failure constituted medical malpractice.

Sutter West settled out of the case two months prior to trial. Thus, the matter continued against McAndrew only.

Plaintiff's counsel contended that McAndrew failed to provide Mallen with antibiotics when she left the hospital and that by the time Mallen presented to another hospital six days later and given antibiotics, it was too late and the infection had reached her spine.

The plaintiff's expert hospitalist opined that McAndrew should have kept Mallen in the hospital for further evaluation. He testified that if Mallen was treated with antibiotics, her infection would not have continued. Thus, the expert opined that McAndrew should have noted that Mallen's arm was red, swollen, warm and painful and that McAndrew should have treated the symptoms as an infection and given Mallen antibiotics.

Mallen's counsel contended that IV infiltrations are common and that Mallen's infiltration looked like all the others, which do not warrant antibiotics.

The defense's expert hospitalist described the situation and opined that Mallen most likely was infiltrated from the IV. The expert also opined that in the case of IV infiltrations, patients are not given antibiotics at all because infiltrations usually do not progress to infections. He further opined that McAndrew followed the standard of care by looking at Mallen's arm and telling her to present to her doctor if it got worse.

Mallen's counsel contended that doctors do not give antibiotics unless there is an infection actively present and that McAndrew and the nurses looked at Mallen's arm and thought it looked like a typical infiltration. However, Mallen claimed that at the time of the examination, there was a red streak going up to her shoulder and that it was swollen, but McAndrew disagreed and claimed that it looked like any other infiltration.

Injury:

Mallen suffered an IV infiltration that turned to an infection that later became blood-borne. As a result, she suffered spinal osteomyelitis at T10-11, which caused the vertebrae to collapse. Mallen ultimately underwent a longer course of treatment, of approximately six weeks, to eradicate the infection.

Mallen claimed she had constant back pain and had to treat with a lot of narcotics. She was also treated with Vancomycin, an antibiotic that allegedly caused a persistent ringing in her ears. In addition, Mallen underwent physical therapy and had a transcutaneous electrical nerve stimulation unit at home, which she used for long-term back pain. Before trial, Mallen underwent a radiofrequency ablation at the T10-11 level, which she claimed provided her with a lot of relief. However, she alleged that as the relief is only temporary, she would need ablations every six to nine months for the rest of her life, at a cost of \$16,000 to \$20,000 each time.

Mallen claimed that her condition causes her to have no energy to work or for her daily life. At the time of the infection, she lost her job as an executive assistant. Mallen ultimately found work as a consultant for a startup company's activities 1.5 years later, which she alleged is a good job for a disabled person. However, she claimed that if she loses that job, she may never find another one due to her residual lack of energy.

Thus, plaintiff's counsel asked the jury to award Mallen \$6 million in total damages, including \$2.5 million in special damages and \$3.5 million in general damages. (Mallen's husband, William Mallen, was ultimately removed as a plaintiff from the case over a year before trial.)

Defense counsel did not dispute Ms. Mallen's injury, but noted that her testimony was inconsistent. Specifically, defense counsel noted that Ms. Mallen claimed that she could not work much and was not able to return to work, but that she was able to go back to work earlier than she expected -- 1.5 years later -- and was working close to 60 hours for three weeks straight. In addition, defense counsel noted that even though Ms. Mallen claimed that she would also require Xanax every day for the rest of her life, Ms. Mallen had already been taking Xanax for 4.5 years before the infection.

Result:

The jury rendered a defense verdict. It found that McAndrew was not negligent and that McAndrew's treatment of the patient met the standard of care.

Trial Information:**Judge:**

Suzanne R. Bolanos

Demand:

\$1,000,000

Offer:

Waiver of costs

Trial

45 minutes

Deliberations:

**Editor's
Comment:**

This report is based on information that was provided by Dr. Matthew McAndrew's counsel. Plaintiff's counsel did not respond to the reporter's phone calls and counsel for Sutter West Bay Hospitals was not asked to contribute.

Writer

Priya Idiculla

Doctor said his IV insertion did not cause infiltration

Type: Verdict-Defendant

Amount: \$0

State: Maryland

Venue: Baltimore City

Court: Baltimore City, Circuit Court, MD

Injury Type(s):

- *arm*
- *elbow* - cubital tunnel syndrome
- *other* - physical therapy; fasciectomy/fasciotomy
- *wrist* - carpal tunnel syndrome

Case Type:

- *Medical Malpractice* - Hospital; Anesthesiology; Negligent Injection

Case Name: Betty Fulmore-Thomas v. University of Maryland Medical Center, LLC, Paul S. Park, M.D. and University of Maryland Medical System Corporation, No. 24C22000611

Date: November 07, 2023

Plaintiff(s):

- Betty Fulmore-Thomas, (Female, 60 Years)

Plaintiff Attorney(s):

- Emanuel M. Levin; Emanuel M. Levin & Associates, P.A.; Baltimore MD for Betty Fulmore-Thomas
- Alison D. Kohler; Dugan, Babij, Tolley & Kohler LLC; Timonium MD for Betty Fulmore-Thomas

Plaintiff Expert (s):

- Edward C. Healy M.D.; Cardiology; Bethesda, MD called by: Emanuel M. Levin, Alison D. Kohler
- Kenneth R. Lippman M.D.; Orthopedic Surgery; Baltimore, MD called by: Emanuel M. Levin, Alison D. Kohler

Defendant(s):

- Paul S. Park M.D.
- University Of Maryland Medical Center, LLC
- University Of Maryland Medical System Corporation

**Defense
Attorney(s):**

- Edward W. Brady; Brady Fischel & Daily, LLC; Annapolis, MD for University Of Maryland Medical Center, LLC, University Of Maryland Medical System Corporation, Paul S. Park M.D.
- Christopher R. Daily; Brady Fischel & Daily, LLC; Annapolis, MD for University Of Maryland Medical Center, LLC, University Of Maryland Medical System Corporation, Paul S. Park M.D.

**Defendant
Expert(s):**

- W. Andrew Eglseder Jr., M.D.; Orthopedic Surgery; Baltimore, MD called by: for Edward W. Brady, Christopher R. Daily
- Gary D. Rubin M.D.; General Surgery; Silver Spring, MD called by: for Edward W. Brady, Christopher R. Daily
- Paul M. Park M.D.; Anesthesiology; Rockville, MD called by: for Edward W. Brady, Christopher R. Daily

Facts:

In May 2020, plaintiff Betty Fulmore-Thomas, 60s, a Baltimore City Circuit Court employee, underwent a CAT scan with contrast at University of Maryland Medical Center. She suffered IV infiltration, for which she required a fasciotomy to relieve pressure that built up in her arm. Fulmore-Thomas was later diagnosed with carpal tunnel syndrome and cubital tunnel syndrome.

Fulmore-Thomas sued University of Maryland Medical Center LLC, Paul S. Park, M.D. and University of Maryland Medical System Corp. Fulmore-Thomas alleged that negligent placement of the IV led to the IV infiltration. He also alleged that University of Maryland Medical Center LLC and University of Maryland Medical System Corp. were vicariously liable.

Fulmore-Thomas alleged that Dr. Park, an anesthesiologist, improperly placed the IV in her arm, which caused the IV infiltration to occur and necessitated a fasciotomy.

The defense contended that the doctor properly placed the IV, but the IV came out of the vein when the contrast material was injected during the CAT scan. According to the defense, this is a known complication and nothing Park did in placing the IV caused it to come out during the scan.

Injury: Fulmore-Thomas suffered IV infiltration, for which she required a fasciotomy to relieve the pressure in her arm. She spent a week in the hospital after the surgery.

Fulmore-Thomas claimed she developed carpal and cubital syndrome as a result of the surgery. Post-operatively, she underwent physical therapy, as well as pain management. The pain management was ongoing at the time of trial.

Fulmore-Thomas claimed she will have arm/wrist pain for the rest of her life. She had \$104,000 in medical bills. She also sought damages for past wage loss, having missed 30 weeks of work.

The defense disputed that Fulmore-Thomas developed carpal tunnel syndrome and/or cubital tunnel syndrome as a result of the IV infiltration or fasciotomy.

Result: The jury rendered a defense verdict.

Betty Fulmore-Thomas

Trial Information:

Judge: Yolanda A. Tanner

Trial Length: 8 days

Trial Deliberations: 30 minutes

Post Trial: The plaintiff filed a motion for a new trial.

Editor's Comment: This report is based on information that was provided by defense counsel. Plaintiff's counsel could not be reached for comment.

Writer Jason Cohen

IV infiltration resulted in leg amputation, patient alleged

Type: Verdict-Defendant

Amount: \$0

State: Florida

Venue: Polk County

Court: Polk County Circuit Court, 10th, FL

Injury Type(s):

- *epidermis* - gangrene
- *foot/heel* - foot
- *amputation* - leg; leg (below the knee)

Case Type:

- *Medical Malpractice* - Nurse; Hospital; Negligent Treatment

Case Name: Patti Steward v. Haines City HMA, Inc. d/b/a Heart of Florida Regional Medical Center, No. 2006-CA-4243

Date: November 02, 2010

Plaintiff(s):

- Patti Steward (Female, 46 Years)

Plaintiff Attorney(s):

- Steven C. Ruth; Beltz & Ruth, P.A.; St. Petersburg FL for Patti Steward
- Michael J. Kohl; Beltz & Ruth, P.A.; St. Petersburg FL for Patti Steward

Plaintiff Expert(s):

- D. Preston Flanigan M.D.; Vascular Surgery; Orange, CA called by: Steven C. Ruth, Michael J. Kohl
- Joan Spitrey R.N.; Nursing; Tampa, FL called by: Steven C. Ruth, Michael J. Kohl
- Steven R. Cooley; Vocational Rehabilitation; Clearwater, FL called by: Steven C. Ruth, Michael J. Kohl
- Beverly Eadie D.O.; Pain Management; Tampa, FL called by: Steven C. Ruth, Michael J. Kohl
- Natalie Bogumil; Economics; Winter Park, FL called by: Steven C. Ruth, Michael J. Kohl

Defendant(s):

- Haines City HMA Inc. d/b/a Heart of Florida Regional Medical Center

Defense Attorney(s):

- Michael A. Petruccelli; Fann & Petruccelli, P.A.; Fort Lauderdale, FL for Haines City HMA Inc. d/b/a Heart of Florida Regional Medical Center
- Steven A. Osher; Fann & Petruccelli, P.A.; Fort Lauderdale, FL for Haines City HMA Inc. d/b/a Heart of Florida Regional Medical Center

Defendant Expert(s):

- David Rollins M.D.; Vascular Surgery; Willoughby, OH called by: for Michael A. Petruccelli, Steven A. Osher
- Sharon Cohen R.N.; Nursing; Miami, FL called by: for Michael A. Petruccelli, Steven A. Osher

Facts:

On May 24, 2004, plaintiff Patti Steward, 46, unemployed, complained of chronic pancreatitis and required frequent IV access for pain control medication, usually Demerol and Phenergan.

Steward was hospitalized in the Heart of Florida Regional Medical Center in Polk County. During the hospitalization, hospital personnel were unable to obtain peripheral IV access in the upper extremities and started an IV in Stewart's left foot. Over the next several hours, the IV line was assessed for patency, and Demerol and Phenergan were administered.

The following morning, Stewart complained of pain at the IV site upon attempted administration of her medication, and the IV was removed by the staff nurse. Shortly thereafter, her physicians were notified of her complaints of foot pain. It was ultimately determined that Stewart developed gangrenous changes in her left foot and required a below-the-knee amputation.

Stewart sued Haines City HMA Inc., which was doing business as the Heart of Florida Regional Medical Center. She alleged that the hospital's staff failed to properly insert the IV and that this failure constituted medical malpractice.

Plaintiff's counsel argued that the nursing staff failed to check the patency of the line prior to the administration of the Demerol and Phenergan on the morning shift. They contended that as a result, there was an IV infiltration of Phenergan, which caused extensive tissue damage.

Defense counsel argued that the IV was properly placed and disputed there being an IV infiltration. They presented the medical record to the jury, in which the nurse documented that the IV line was flushed prior to the attempted administration of her medications and that prior to pulling the IV, she obtained good blood return, indicating that the IV was properly placed within the vein. Defense counsel further asserted that there was no evidence of infiltration initially, since there was no edema or redness to the IV site after it was pulled.

The defense's vascular surgery expert opined that the nursing care was appropriate and that the injury, due to the caustic nature of Phenergan, was unavoidable. The expert also testified that the pattern of the necrosis in the patient's toes, and eventually her entire foot, proved that the medication was not injected outside the vein.

Injury: Stewart suffered necrosis in her left foot, resulting in gangrene. She eventually required a below-the-knee amputation of her left leg.

Stewart claimed that she has an inability to use a prosthetic limb and suffers from phantom pain. She alleged that her injury has left her unable to find work. Thus, she presented a lifecare plan at trial, seeking to recover a total of \$3.5 million.

Result: The jury returned a defense verdict. It found that the hospital was not negligent in the placement of the IV.

Trial Information:

Judge: Michael E. Raiden

Trial Length: 2 weeks

Trial Deliberations: 2.5 hours

Jury Vote: 6-0

Jury Composition: 3 male, 3 female

Post Trial: Plaintiff's counsel is appealing the verdict.

Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel.

Writer: Stephen DiPerte