

Oakland County

Circuit Court — Pontiac

Fibroid Surgery Patient Receives Award for Post-Op Complications

Case Caption:

Anonymous Female v. Anonymous OB/GYN and Anonymous Hospital

Verdict: Binding arbitration award of \$1,637,000, joint and several. Breakdown: \$704,000 for pain and suffering and \$933,000 for economic losses.

Judge: N/A

Date of Verdict: 10/2007

Attorneys:

Plaintiff: Sheldon D. Erlich, Southfield
Jeffrey S. Cook, Southfield

Defendant: Withheld

Facts: Surgical removal of a fibroid tumor spiraled out of control for plaintiff patient, who ended up comatose for several weeks. She filed claims against her treating OB/GYN and the hospital. The parties agreed to binding arbitration, resulting in an award to plaintiff of \$1,637,000.

The 44 year old plaintiff presented at defendant hospital for removal of a large fibroid tumor. The procedure was performed by Defendant OB/GYN and his residents. Removal of the tumor included lysing adhesions from plaintiff's bowel as a result of previous abdominal surgeries. Plaintiff was discharged four days post-surgery, but returned to the emergency room 36 hours later with complaints of severe abdominal pain. Surgery was performed and a perforation in her bowel with peritonitis was discovered.

Plaintiff subsequently developed aspiration pneumonia, leading to a comatose state for several weeks. As a result of her comatose condition she suffered anoxic encephalopathy and permanent brain damage. In addition, plaintiff charged that the hospital's nursing staff failed to reposition her as required every two hours and she sustained severe ulnar nerve damage and rotator cuff damage to her dominant right arm. She claimed that, even though she was comatose, she was held in restraints without being moved.

Plaintiff alleged defendant OB/GYN did not have the surgical expertise to perform bowel repair surgery and should have called in a general surgeon to repair the bowel adhesions. Plaintiff claimed she sustained a bowel perforation as a result of OB/GYN's negligence. Further, against the hospital, plaintiff alleged she was prematurely discharged with signs and symptoms of a perforated bowel and her condition was made worse because of the delay in repair surgery. Lastly, she claimed the nurses failed to timely and properly reposition her while comatose, resulting in severe arm and shoulder injuries. Defendant hospital was unable to locate or produce the handwritten nursing notes, physician notes, or discharge summary notes from plaintiff's original four day hospitalization. She claimed there was no reason for the arm and shoulder injuries, but for the lack of repositioning.

Defendant OB/GYN contended that he was qualified to perform bowel surgery so there was no reason to call in a general surgeon. He maintained that he provided standard of care treatment for plaintiff. He argued that he believed all adhesions were removed and that a perforated bowel was a risk of surgery. Defendant hospital claimed it would not have discharged plaintiff unless she was stable and able to go home. The hospital argued that its nursing staff complied with procedures for timely and proper repositioning.

Plaintiff Profile: Plaintiff was a 44 year old divorced female employed as a manual laborer.

Alleged Injury: Perforated bowel resulting in peritonitis. Plaintiff developed aspiration pneumonia, leading to a comatose state for several weeks with anoxic encephalopathy and permanent brain damage. While comatose, she sustained a severe double crush ulnar nerve injury, rotator cuff damage to her dominant arm and permanent disfigurement, despite two surgical corrections. Plaintiff was able to care for herself, but a conservator was appointed to oversee her finances as she was unable to perform those duties following these events. She sought an unspecified amount of economic and non-economic damages.

Expert(s):

Plaintiff: Bradley G. Sewick, Ph.D.
Neuropsychologist – Southfield, MI

Robert B. Ancell, Ph.D.
Vocational Rehabilitation – Southfield, MI

William D. King, Ph.D.
Economist – Lansing, MI

Defendant: N/A

Evaluation: None

Case Number: WITHHELD