

Oakland County, MI Circuit Court Pontiac

Settlement: \$1,667,000

Judge: None

Settlement Date: 1/2008

Plaintiff's Attorney(s): Jeffrey S. Cook, Southfield

Defendant's Attorney(s): Withheld

Facts: This medical malpractice claim was settled pre-suit after the plaintiff sent a notice of intent to sue. Plaintiff sought damages for the wrongful death of a patient who died after an allergic reaction to prescribed painkillers. The parties reached a \$1,667,000 settlement.

Plaintiff's decedent was a 52 year old married father of two who underwent minor góter surgery. He was discharged following surgery with a prescription for painkillers. He filled the prescription, but after taking the pills, he developed swelling in his throat some 36 hours later. Decedent drove himself to the emergency room of the same hospital where the surgery had been performed and was examined by a board-certified emergency physician. The physician discovered that the patient's airway was becoming obstructed and called for anesthesia services to perform an intubation to protect the airway. The physician also notified surgical services that one of its patients had returned with complications.

The on-duty surgical resident and anesthesia services arrived within a few minutes of the call. Medical records indicated a disagreement ensued between the resident and the emergency room physician regarding the efficacy of performing an intubation. The emergency room doctor maintained that intubation was appropriate. However, the surgical resident ordered the anesthesia team to leave and opted for an Albuterol treatment rather than intubation. Inhalation treatment was provided, but decedent's airway completely closed 40 minutes later and he suffered a cardiac arrest. An emergency tracheotomy was performed in the emergency room, but decedent had been deprived of oxygen for too long and sustained profound brain damage. He remained comatose and died eight months later from his injuries.

Plaintiff alleged defendant resident violated the standard of care by dismissing the anesthesia team and overruling the emergency room physician's appropriate order for intubation. Had decedent been intubated, plaintiff maintained he would have survived the allergic reaction. Plaintiff also argued that defendant emergency room physician should not have allowed the surgical resident to determine the course of treatment.

Plaintiff Personal Data: Plaintiff's decedent was a 52 year old married male employed as a security guard.

Alleged Injury: Severe brain damage from an allergic reaction to prescribed painkillers causing a cardiac arrest. Decedent survived eight months before succumbing to his injuries. He was survived by his wife and two adult children. Plaintiff sought in excess of \$500,000 in medicals (liens).

Mediation Result: None

Expert Witnesses: Plaintiff Experts: William D. King, Ph.D.
Economist - Lansing, MI

Defendant Experts: Withheld

Case Number: NONE

Case Caption: Anonymous Male v. Anonymous Physicians

Editor's Note: Due to a confidentiality agreement, the court location was chosen at random.