

Verdicts & Settlements Final Preview

RESULT DATE: Sept. 8, 2010

Theresa McDaniels v. George Castillo, M.D., Doe Hospital, Doe Emergency Room Doctor, Doe Internist

10-JV_2600

Hon. Melvin D. Sandvig

L.A. Superior Chatsworth

TOPIC: Personal Injury

SUB TOPIC: Medical Malpractice

FURTHER DESCRIPTION: Negligence

SETTLEMENT: \$4,725,000

ATTORNEY:

Plaintiff - Steven B. Effres (Law Office of Effres & Associates, Calabasas); Joel Krissman (Stolpman, Krissman, Elber & Silver, LLP, Long Beach).

Defendant - Michael A. Zuk (Herzfeld & Rubin, LLP, Los Angeles) for Dr. George Castillo.

MEDICAL:

Plaintiff - Steven H. Alpert, C.B., prosthetics, Los Angeles; Ronald S. Fishbach, M.D., infectious diseases, Beverly Hills; Vincent J. Guzzetta, M.D., vascular surgery, San Diego; Sharon Kawai, M.D., life care planning, Fullerton; Leo J. Murphy, M.D., general surgery, San Diego; James O'Donnell, Pharm.D., pharmacology, Chicago, Ill.; Dorothy A. Pollock, R.N., nursing, Hacienda Heights; Michael Smolens, M.D., emergency medicine, Rolling Hills.

Defendant - Roy Antelyes, M.D., emergency medicine, Pasadena; David V. Cossman, M.D., vascular surgery, Los Angeles; Stewart Friedman, M.D., infectious disease, Los Angeles; Thomas L. Hedge, Jr., M.D., physical medicine and rehabilitation, Northridge; Stacey R. Helvin, R.N., life care planning, Yorba Linda; Namir Kathouda, M.D., general surgery, Los Angeles; Lorna J. Lord, R.N., critical care, Irvine; Margaret Moreley, R.N., nurse practitioner, Newport Coast; Richard Ruffalo, M.D., Ph.D., pharmacology and anesthesiology, Newport Coast; Sandra Wallace, infectious diseases, Pasadena; Fred Weaver, M.D., vascular surgery, Los Angeles.

TECHNICAL:

Plaintiff - Juliet Abelson, real estate, Torrance; Peter Formuzis, Ph.D., economics, Santa Ana.

Defendant - Ted Vavoulis, M.S., economics, Los Angeles.

FACTS: Plaintiff Theresa McDaniels underwent gallbladder removal surgery in December 2006. During surgery, defendant surgeon Dr. George Castillo inadvertently perforated her small bowel and then sutured it. Plaintiff remained in the hospital three days post-surgery and was assessed by the nurse with abnormal blood pressure, high heart rate, and severe pain. At discharge by Dr. Castillo and the hospital, plaintiff's vital signs were still abnormal. Dr. Castillo and the hospital nevertheless discharged plaintiff home with Tylenol and Codeine.

Plaintiff deteriorated at home and was rushed back to defendant hospital two days later in septic shock and acrocyanosis (bluish hands and feet). Plaintiff was seen by the hospital emergency room doctor and admitted by defendant internist. Despite the administration of antibiotics, plaintiff's septic condition continued to progress.

The following morning when a CT scan was finally taken and showed the on-going bowel leak, Dr. Castillo operated and repaired the bowel leak. However, due to the delay in diagnosis, gangrene set into plaintiff's feet and fingers. Plaintiff ultimately had amputations of both legs below the knee and all of her fingers.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that the hospital was negligent in discharging her from the first hospitalization, and negligent in the delay in implementing the order for the CT scans in the second hospitalization.

Plaintiff also contended that Dr. Castillo was negligent in failing to monitor her and allowing the discharge from the first hospitalization, and for failing to see her in the second hospitalization until approximately 15 hours after she presented.

Plaintiff claimed that the emergency room doctor and the internist (admitting doctor) were negligent in failing to timely get a surgeon in to see her in the second hospitalization, and for failure to timely order a CT scan.

DEFENDANTS' CONTENTIONS: The hospital, emergency room doctor, and internist contended that Dr. Castillo was the sole cause of plaintiff's harm.

Dr. Castillo contended that the hospital was negligent in failing to communicate with him with regard to the signs and symptoms of sepsis during the first hospitalization.

All defendants contended that plaintiff's loss of limbs were the result of use of non-prescribed medication between the first and second hospitalization.

INJURIES: Amputation of both legs below the knees and all fingers requiring a lifetime of prosthetics, wheelchairs, caregivers, and doctors.

DAMAGES: MICRA Cap of \$250,000 in general damages. Plaintiff claimed in excess of \$5 million in lifecare plan. Defendants claimed \$2.3 million.

SPECIALS IN EVIDENCE: MEDS: \$301,738

RESULT: The case settled for \$4,725,000 at mediation before Jay Horton, Esq. (\$3,350,000 from the hospital; \$1 million policy limits from Dr. Castillo; \$200,000 from the internist; \$175,000 from the emergency room doctor).