

# VIRGINIA LAWYERS WEEKLY

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## Amputation of patient's legs blamed on tardy surgeon



POLING



OLSZEWSKI



DORFMAN

### Defense Verdict

On March 1, 2007, plaintiff underwent a radical neck dissection and laryngectomy for treatment of stage 4 laryngeal cancer. The surgery took approximately 10 hours. The next day, at approximately 8:30 a.m., the defendant hospital's intensive care unit nurse noted that the plaintiff had purple mottled feet bilaterally which she recognized to be a sign and symptom of vascular compromise.

She contacted plaintiff's surgeon who instructed her to continue to monitor the plaintiff and that he would be in to see the plaintiff at 12:00 p.m. At approximately 12:00 p.m., the surgeon examined the plaintiff and informed the defendant hospital's nurse that he would obtain a vascular surgery

consultation.

The defendant's nurse continued to monitor the plaintiff and when the vascular surgery consultation did not arrive, the defendant's nurse contacted the attending surgeon

to inquire. She was assured that the vascular surgeon was on his way.

At approximately 2:00 p.m., plaintiff's family physician examined him and did not perceive his condition to be emergent. He ordered an arterial Doppler study to examine the plaintiff's blood flow in the legs. The defendant hospital's nurse did not receive the Doppler results until 6:00 p.m. at which time she updated the family physician. Once a-gain she was told that the vascular surgeon was on his way.

The vascular surgeon did not arrive until 8:00 p.m. By then, the mottling had advanced up plaintiff's leg and his legs were no longer salvageable. He underwent bilateral above-knee leg amputations.

Plaintiff alleged he lost his legs

because the defendant hospital breached the standard of care by failing to timely respond to the plaintiff's signs and symptoms of vascular compromise. The defendant hospital denied the allegations and the case proceeded to trial on July 14, 2010.

Plaintiff's expert, a nurse from Richmond, testified that the defendant hospital's nurse breached the standard of care by not informing the plaintiff's healthcare providers about the plaintiff's changes in condition. Plaintiff's causation expert, a vascular surgeon from Johns Hopkins testified that if interventions had begun sooner in the day, the plaintiff's legs could have been saved.

Defendant's expert, a critical care physician from Martinsburg, W.Va., testified that the defendant hospital's nurse promptly recognized the plaintiff's signs and symptoms of vascular compromise, appropriately communicated the plaintiff's changes in condition to his healthcare providers and carried out all physician orders in a timely manner.

After a three-day trial and deliberation by the jury for eight hours, the jury returned a verdict for the defendant.

[10-T-118]

**Type of action:** Medical malpractice

**Injuries alleged:** Bilateral above knee leg amputations

**Name of case:** Confidential

**Court:** Prince William County Circuit Court

**Tried before:** Jury

**Name of judge:** Craig D. Johnston

**Verdict or Settlement:** Defense verdict

**Date:** July 21, 2010

**Demand:** \$10,000,000

**Insurance carrier:** Hudson Specialty Insurance Co.

**Defense attorneys:** Michael E. Olszewski, Brant Poling and Tracie M. Dorfman, Fairfax