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From the March 30, 1998 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Medical Malpractice

Wrongful Death -- Failure To Diagnose Heart Attack -- History Of Hypertension, Diabetes -- Shortness Of Breath -- No EKG Performed On First Visit -- Autopsy Revealed Infarct -- \$500,000 Mediated Settlement

Brief Statement of Claim: A 56-year-old male with a history of hypertension and diabetes went to a doctor with complaints of chest, neck and shoulder pain, fatigue, and shortness of breath on exertion.

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The diagnosis was musculoskeletal pain. No EKG was performed.

Two days later the decedent returned to the doctor with increasing shortness of breath. An EKG revealed acute myocardial infarction. He was taken to a hospital but expired shortly thereafter that day.

An autopsy revealed a first infarct, approximately four days old, followed by a second acute event, hours old.

Principal Injuries (in order of severity): Death

Special Damages: Lost earnings not calculable

Tried or settled: Settled during mediation

County where tried or settled: Mecklenberg

Case Name and number: *Petty v. The Nalle Clinic and John Benedum, M.D.* (96 CvS 15445)

Date Concluded: Winter 1998

Name of mediator: Robert W. Kirby

Amount: \$500,000

Insurance Carrier: CNA

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiffs: Karen Rabenau and Don Strickland of Twiggs, Abrams, Strickland & Trehy, P.A., Raleigh

Other Useful Info: n/a

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