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Trial Reports

Medical Malpractice

Surgery, Drainage of Pancreatic Pseudocyst - Transgastric Drainage Procedure Not Recognized - Peritonitis

Type of Claim: The plaintiff sued for malpractice after she nearly died when a physician unsuccessfully tried to drain a pancreatic pseudocyst by using a transgastric procedure which was not recognized by medical authorities.

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Principal injuries (in order of severity): Life-threatening peritonitis; scars; physical and emotional pain and suffering; lost income; loss of consortium

Special damages: Medical expenses of \$220,000; lost earnings of \$25,000

Tried or settled: Settlement

County where tried or settled: Wake County

Case name and number: Palzatto v. Eastern N.C. Surgeon (Name withheld by agreement) (Wake County Superior Court)

Date concluded: Fall 1993

Name of judge: n/a

Amount: \$600,000

Insurance carrier: n/a

Expert witnesses and areas of expertise: Dr. Alfred Gervin, professor of surgery at the Medical College of Virginia; Dr. Eric DeMaria, assistant professor of surgery at Virginia; an assistant professor of surgery at Vanderbilt; and a general surgeon from Greenville, S.C.

Attorney(s) for plaintiff: Donald R. Strickland of Blanchard, Twiggs, Abrams & Strickland,

P.A., Raleigh; and Richard S. Hunter Jr. of Futrell, Hunter & Knutson, Raleigh

Other useful information: The defendant surgeon twice attempted to drain the pseudocyst by placing a catheter through the plaintiff's stomach into the cyst. After the two attempts, the plaintiff was transferred to N.C. Memorial Hospital where it took two and one-half months to bring her life-threatening peritonitis under control. She underwent four additional surgeries before the condition was finally cured. Five expert surgeons agreed the defendant's transgastric procedure was not recognized in the medical literature and was below the accepted standard of practice. Shortly after the plaintiff's counsel disclosed these expert opinions to the defendant's liability carrier, the case was settled.

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