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Verdicts & Settlements

Patient resolves claim involving loss of intestines

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The plaintiff, a 37-year-old undocumented immigrant, went to the emergency department of the defendant-hospital complaining of 10/10 abdominal pain.

The first emergency department doctor who saw the plaintiff ordered abdominal X-rays and a CT scan.

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A second doctor came on duty and noted that the CT scan showed a "spleen with heterogeneous perfusion (possible infarct)" and a "filling defect in abdominal aorta." That doctor also noted that the CT findings were discussed with the radiologist.

The radiologist wrote in a report that the CT scan findings were "consistent with splenic infarction" and also showed a "filling defect in the anterior

aspect of the abdominal aorta," a narrowing of the aorta above the blood vessel leading to the spleen.

The radiologist also noted that the filling defect "may represent local thrombus formation and may be a source for distal emboli."

Sometime before sending the plaintiff home, the emergency department doctor noted "CT negative" and diagnosed "abdominal pain of unknown cause."

The plaintiff received morphine and Fentanyl, which reduced the plaintiff's pain to 2/10. The plaintiff was told to return to the emergency department in 12 hours.

The next day, the plaintiff returned to the emergency department with 3/10 abdominal pain and saw a different emergency department doctor. The doctor noted "old ED records reviewed" and mentioned the prior day's labs but not the X-ray or CT findings.

The Oxycodone given to the plaintiff during this emergency department visit reduced the

plaintiff's pain to 1/10. The plaintiff was sent home with a prescription for Percocet and instructions to see the plaintiff's family doctor the next day.

The plaintiff went to her family doctor, who immediately scheduled an appointment for the plaintiff with a vascular surgeon at the defendant-hospital.

The vascular surgeon noted that the CT scan showed "extensive splenic infarct and thrombus at the origin of the celiac artery." The surgeon also noted that the plaintiff needed to have a chest CT, echocardiogram and blood-clotting disorder study.

The surgeon made an appointment for the plaintiff to see a hematologist in two months.

The hospital said that while the plaintiff was checking out from her visit with the vascular surgeon, the plaintiff was told to go for laboratory tests immediately but that the plaintiff refused them because of transportation issues.

The plaintiff denied ever being told to have the tests before leaving. There is no mention in the plaintiff's medical records of the plaintiff refusing tests that day.

Less than a month later, the plaintiff's abdominal aortic thrombus extended, blocking arterial blood flow to the plaintiff's intestines. As a result, all but 20 centimeters of the plaintiff's intestines died and had to be removed.

The plaintiff now has to get nutrition through daily intravenous feeding (TPN), which takes 12 hours.

At the time counsel was retained, the defendant hospital was not providing TPN, and the plaintiff could not afford it. The plaintiff had gone from an original weight of approximately 160 pounds to 85 pounds.

Counsel obtained an agreement for the defendant to pay for TPN during investigation of the claim, which eventually was extended up through settlement of the case.

Type of action: Personal injury

Injuries alleged: Loss of intestines

Case name: Confidential

Case number: Confidential

Court: Confidential

Verdict or settlement: Settlement

Settlement date: Confidential

Settlement amount: \$4.3 million; defendant's waiver of any past unpaid medical bills owed to defendant; and for a period of approximately 13 months, defendant paid for TPN to be administered to plaintiff for seven days a week up through the time the settlement was funded

Special damages: Plaintiff's past medical bills (\$378,833); plaintiff's life care plan future medical expenses (\$4,323,793); lost wages not claimed

Experts: Confidential

Insurance carrier: Confidential

Plaintiff's attorneys: Donald H. Beskind and Karen M. Rabenau of Twiggs, Beskind, Strickland & Rabenau (Raleigh); Jeffrey B. Welty (Chapel Hill)

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