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Verdicts & Settlements

Medical Malpractice

Wrongful Death - Misdiagnosis Of Rocky Mountain Spotted Fever - Confidential Settlement

Brief statement of claim: Thomas Collins, age 19, was married to Sonya Collins for four months. He was a resident of Macon County, lived in a rural area, and was employed by a fence company installing security fences outdoors.

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In late April, Mr. Collins became ill with a severe headache and fever. On the second and third days of his illness, when he had a severe headache and myalgias, he went to the emergency department at Angel Hospital in Franklin and was treated, improved and released. During his second emergency room visit, on the third day of his illness, he was noted as having red spots on his arms, hands and body.

On the fifth day of his illness, and third emergency department visit, he was seen by Dr. Jimmy Lee Rodden at Harris Regional Hospital in Sylva. Dr. Rodden thought Collins had a viral illness or a flare-up of his hepatitis B.

By this time, although Collins' white blood cell count remained normal, his band count — the percentage of immature white blood cells that are released to fight acute infection — had risen over this four-day period from 10 percent on his first visit to 57 percent on his second, and was now 73 percent. Additionally, Collins' platelet count had dropped over the four days from 225,000 to 140,000 to 54,600.

Although he had never before seen a band count of 73 percent, Dr. Rodden was unaware that it almost certainly indicated a bacterial, not viral, infection, and that the 75 percent drop in Collins' platelet count over the four days was inconsistent with a flare-up of chronic hepatitis B. Dr. Rodden did not know that a person could get Rocky Mountain Spotted Fever in late April in the mountains of North Carolina, and did not include it in his differential diagnosis, according to the plaintiff's counsel.

Dr. Rodden provided Collins with 400 mg of Motrin in the emergency department, a prescription for Phenergan, instructions to follow up with a gastroenterologist the following week, and

released him.

The following night, Collins returned to the emergency department at Angel Medical Center, where he began seizing, and was provided Doxycycline for suspected Rocky Mountain Spotted Fever. He was transferred to Memorial Mission Hospital where he died four days later.

The Center for Disease Control in Atlanta later confirmed that he died of Rocky Mountain Spotted Fever.

Principal injuries (in order of severity): Death of 19-year-old male, Thomas Collins, who had been married for four months to Sonya Collins. The couple had dated for 17 months before the marriage.

Special damages: Medical expenses after discharge by Dr. Rodden until death: \$38,165; funeral expenses: \$5,787; lost earnings: between January 1997 and April 22, 1997, Mr. Collins earned \$3,160 with Franklin Fence; lost earnings to work life expectancy: \$381,127; loss of services: based on 19 hours per week at \$6.50 per hour and involved chopping wood for heat, car maintenance, house maintenance —\$462,653

Tried or settled: Bifurcated trial; confidential settlement after defendant found liable

County where tried or settled: Jackson

Case name and number: *Sonya Collins, Administratrix of the Estate of Thomas Collins v. J.L. Rodden, M.D.* (99 CvS 580)

Date concluded: Tried July 31 to Aug. 6, 2001; confidential settlement with Dr. Rodden on Aug. 6, 2001 after jury found his negligence proximately caused the decedent's death

Name of judge: n/a

Amount: Confidential

Insurance carrier: Confidential

Expert witnesses and areas of expertise: n/a

Attorney for plaintiff: Donald Beskind and Karen Rabenau of Twiggs, Abrams, Strickland & Rabenau, P.A., Raleigh; Sean Devereux, Asheville

Other useful info: The plaintiff contended that Dr. Rodden should have known that a person could get the disease in late April in the mountains of North Carolina, should have included it in his differential diagnosis, and should have treated him with doxycycline. The plaintiff also contended that Dr. Rodden should have recognized how sick Collins was and admitted him to the hospital.

Before trial, the plaintiff resolved her claims against the doctor who saw Collins on his second visit to Angel. Dr. Rodden, the remaining defendant, withdrew his consent to settle during trial.

Judge Payne from Asheville presided over the trial and bifurcated liability and damages. After the jury returned a "yes" on liability, the parties reached a confidential settlement with Dr. Rodden.

The verdict is believed to be the first medical malpractice jury verdict in Jackson County, according to the plaintiff's counsel.

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