

\$22.5 Million Settlement In Suit Alleging Negligent Anesthesia

Jane Doe, a 36-year-old woman, was admitted to ABC Hospital on January 20, 1999 for delivery of a stillbirth. She requested an epidural anesthesia. Jack Roe, an anesthesiology assistant made multiple unsuccessful attempts at epidural placement. Ultimately, an anesthesiologist inserted the epidural needle and then he immediately left the room. Mr. Roe was put in charge of administering a test dose, and with dosing Jane's catheter with Fentanyl and Marcaine. An order to discontinue the morphine PCA before the epidural was ignored. Therefore, Jane received additional amounts of morphine, which increased her level of sedation and impaired her ability to complain about any adverse symptoms she may have been experiencing.

Jane developed a "high spinal" because the anesthesia was placed in the spinal canal instead of the epidural space. Jane complained of severe headache immediately following insertion of the catheter. As a result of air injected into the spinal canal it traveled up to her brain. The caregivers at ABC Hospital completely ignored this warning signal. Jane developed low blood pressure that did not correct with high doses of ephedrine given by the anesthesia assistant, Mr. Roe. In addition, no sequential motor exams were done, which would have shown a rising anesthesia level. The danger of a "high spinal" is that the anesthetic rises causing paralysis to the respiratory system and the potential of a cessation of breathing. Therefore, continuous monitoring especially after a dropping blood pressure is mandatory.

When Jane's family went to eat dinner, a nurse promised them that she would remain and watch her. When the family returned from eating, they discovered her alone and not breathing.

A code was then called. Despite the fact that Jack Roe had never intubated a patient in an arrest situation, the anesthesiologist instructed him to perform Jane's initial intubation. This resulted in the tube being placed in the esophagus instead of the trachea. There was a fifteen minute delay before she was properly intubated. A CT scan after the arrest showed air in her brain, evidence that a "high spinal" had been done instead of an epidural.

Injury: Jane is now catastrophically brain injured, living in a nursing home. She is alert, but is paralyzed and unable to communicate. She has a devoted husband who has been forced to quit his job to assist with her care, and a 3-year-old child.

Result: \$22,500,000.00 settlement.

Plaintiff's Expert Witnesses: William Berger, M.D., Anesthesiologist, San Francisco, CA; Sivum Ramanathan, M.D., Anesthesiologist, Pittsburgh, PA; John Conomy, M.D., Neurology, Cleveland, OH; John F. Burke, Jr., Ph.D., Economist, Cleveland, OH; George W. Cyphers, Rehabilitation Counselor, Cleveland, OH,

Defendant's Expert Witnesses: Stephen C. Dodge, Annuist, Charlotte, NC; Charles H. Breeden, Ph.D., Economist, Oconomowoc, WI; Robert Jackson, Life Care Planner, Oak Brook, IL; David C. Brandon, M.D., Anesthesiologist, Potomoc, Md.; Bruce L. Flamm, M.D., OB/GYN, Riverside, CA; Jeffrey S. Vender, M.D., Anesthesiologist, Evanston, IL; Ronald E. Cranford, M.D., Neurology, Minneapolis, MN; William E. Dirkes, M.D., Anesthesiologist, Cincinnati, OH; Margaret M. Jukanovic, R.N., Willowick, OH.

Plaintiff's Attorneys: Charles Kampinski, Christopher M. Mellino and Laurel A. Matthews of Kampinski & Mellino Co., L.P.A., Cleveland, Ohio.

Doe v. ABC Hospital, (Cuyahoga Cty. Ct. of Common Pleas, Cleveland, Ohio Aug. 2000)