

# BONEZZI SWITZER POLITO & PERRY CO. LPA

BSPP congratulates Bret C. Perry and Christopher F. Mars on obtaining a unanimous defense verdict in favor of their client, a Family Practice Medicine specialist, in a recent one-week medical malpractice and wrongful death trial held in Medina, Ohio. The decedent, a married, 50-year-old father of three, suffered a myocardial infarction approximately four days after being treated by the defendant-physician for non-specific complaints of chest pain. Plaintiff claimed that the decedent suffered his untimely death due to the defendant-physicians failure to recognize that the complaints of chest pain were indicative of an acute coronary syndrome requiring urgent referral to the emergency department or direct admission to an acute care facility. Plaintiff claimed that if a referral had been made as allegedly required by the standard of care, the decedent would have received a coronary angioplasty or coronary artery bypass thereby preventing his untimely death. Plaintiff asked the jury to return a verdict in the “millions” for the death of the decedent.

On behalf of their client, the defense argued that Plaintiff’s entire case was premised on a hindsight analysis. The defense countered that when viewing the facts prospectively, the decedent was appropriately evaluated and examined by the defendant-physician and that the non-specific chest pain complaints did not require urgent referral to the emergency department or direct admission to an acute care facility. The defense submitted that the decedent’s presentation was not indicative of an acute coronary syndrome. Rather, the complaints were highly suspicious for a gastrointestinal issue such as acid reflux. Further, the defense noted that the defendant-physician did not dismiss the complaints of non-specific chest pain and ordered an outpatient cardiac stress test and gastroenterology referral to investigate the cause of the complaints expressed. Unfortunately, these tests were not completed prior to the decedent’s unforeseen death.

The jury deliberated less than one-hour before returning a unanimous verdict in favor of Defendant finding that the standard of care was met.



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