

# BONEZZI SWITZER POLITO & PERRY CO. LPA

BSPP congratulates Bret C. Perry and Christopher F. Mars on obtaining a defense verdict in favor of their client, a Physical Medicine and Rehabilitation Specialist, in a recent six-day medical malpractice and wrongful death trial held in Cleveland, Ohio. The decedent, a 31-year old male, was administered an intravenous dose of Morphine due to breakthrough pain. Approximately, 18 minutes after the Morphine was administered, the decedent arrested and was unable to be resuscitated. Plaintiff claimed that the Morphine was administered not for pain but rather for sedation. Plaintiff further argued that the administration of the intravenous dose of Morphine was be-

died as a proximate cause of Morphine administration. Plaintiff asked the jury to return a verdict in the range of \$7,000,000 to \$277,000,000 for the death of the decedent.

On behalf of their client, the defense argued that Plaintiff's entire case was premised on an incorrect interpretation of the facts, the testimony of "professional witness" and the lack of any objective evidence reflecting respiratory depression. The defense countered that when conducting an objective review of the facts, the decedent did not exhibit a decrease in his oxygenation or mean arterial pressures prior to arresting to justify the opinions of Plaintiff's expert witness. Rather, the evidence confirmed that the decedent had multiple risk factors for an arrhythmia and that the records from the CODE and autopsy demonstrate that the arrest was cardiac in nature as

dressing the risk factors the decedent had for an arrhythmia, and a Physical Medicine and Rehabilitation Specialist to address the issue of standard of care.

The jury deliberated for approximately 45 minutes before returning a verdict in favor of Defendant finding that the standard of care was met.



216.875.2767 Office  
216.875.1570 Fax



[www.bspplaw.com](http://www.bspplaw.com)



1300 East 9th Street, Suite 1950  
Cleveland, OH 44114-1501

