



BSPH congratulates Bret C. Perry and Ronald A. Margolis on obtaining a defense verdict in favor of their physician-client and major healthcare entity in a recent medical malpractice and wrongful death trial. Plaintiff claimed that the defendant-physician failed to recognize that the decedent was experiencing signs consistent with a transient ischemic attack (TIA) or mini-stroke. As a result of this failure, the decedent suffered a massive multi-vessel stroke a few hours later causing his death. Plaintiff claimed that had the defendant-physician recognized the symptoms as constituting a TIA/mini-stroke, the decedent would have been referred to the Emergency Department, admitted into the Stroke protocol and life-saving interventions including anticoagulants and thrombectomy would have been performed. Plaintiff requested that the jury send a message to the community and return a verdict for compensatory damages in the amount of \$5,000,000.

The defense countered these allegations arguing that Plaintiff's entire case was premised upon a hindsight analysis. The defense argued that viewing the care and treatment provided, prospectively, the complaints expressed by the decedent were non-specific and likely attributable to recent surgery. Further, assuming the decedent was referred to the Emergency Department he would not have been a candidate for anticoagulants or thrombectomy given the type of stroke that he ultimately suffered. The jury deliberated for approximately three (3) hours before returning a verdict in favor of Defendants finding that the standard of care was met. The jury did not reach the issue of proximate causation.

