



BSPH congratulates attorneys Bret C. Perry and Ronald A. Margolis on their recent defense verdict in a medical malpractice and wrongful death action pending in Lake County, Ohio.

The decedent presented to the defendant-physician with complaints of right sided pain that had been present for a week and shortness of breath with minimal exertion. The pain was constant, sharp and radiated through the ribs to his neck and shoulder. The decedent was noted to splint his chest with inspiration. The defendant-physician believed the symptoms were respiratory related and ordered inhalers and a prescription for an antibiotic. In addition, the defendant-physician recommended a chest CT scan, which the decedent refused, and blood testing including a CBC and D-Dimer. The D-Dimer test was not ordered on a STAT basis.

The results of the D-Dimer were returned approximately sixty-one hours later and were markedly abnormal. On receipt of the results, the defendant-physician immediately contacted the decedent only to learn that he had died the day prior due to a massive pulmonary embolism. Plaintiff claimed that the defendant-physician was negligent in failing to timely investigate and respond to a significantly abnormal laboratory value. As a result, Plaintiff claims that the decedent went untreated for a life-threatening pulmonary embolism ultimately causing the death of the decedent.

In defense, attorneys Perry and Margolis offered the testimony of a board certified family practice expert and board certified pulmonary medicine expert establishing that the standard of care was met. In addition, the expert testimony established that the type of pulmonary embolism suffered by the decedent was extremely rare and not amenable to standard therapies. As such, even if earlier treatment was instituted, it would be impossible to predict the outcome. Plaintiff requested that the jury return a verdict in excess of \$2,000,000.

Following deliberations, the Court entered a verdict in favor of the defendant-physician based on the findings of the jury.

