

Rushton Stakeley Lawyers Secure a Big Medical Malpractice Win in Mobile County

Rushton Stakeley lawyers, Tommy Keene and Amanda Hines, successfully tried and won a pediatric cardiology case in Mobile County, a venue known to be dangerous for such cases.

The case involved a high degree of emotion and sympathy as it centered around the death of a three-month-old infant on Christmas Day. The child literally went limp and turned blue while the family was opening Christmas presents. She died that same day.

The case involved complex subjects starting with the birth of a child with a congenital heart defect known as tetralogy of Fallot. The Defendant, a pediatric cardiologist, diagnosed this condition and ultimately referred the patient to UAB where, at two months of age, surgery was performed to correct this defect. Failure to surgically correct this condition will almost certainly lead to death. On the other hand, surgery is generally 98% successful in producing a long and healthy life for the patient. The Defendant saw the patient both before and after the surgery. The case centered around the postoperative care which took place over approximately one month prior to the patient's unfortunate demise on Christmas Day.

The Plaintiff presented expert testimony from a well-known pediatric cardiologist who has written multiple chapters in texts and has served as head of the department at the Medical University of South Carolina, Ohio State University, and West Virginia University. He testified that, in his opinion, the Defendant gave excellent care overall, but failed the patient by not recognizing changes in chest x-ray findings on Christmas Eve. He opined that a proper interpretation of the chest x-ray should have led to a return of the patient to UAB for surgical correction of a condition known as pseudoaneurysm. The suggestion was even made that the

Defendant failed to look at the chest x-ray that was ordered.

A key admission by this expert on cross examination was that the chest x-ray was not even required by the standard of care, but once it was performed, he believed it should have been interpreted as a medical emergency.

The defense countered with outstanding witnesses from Vanderbilt and UCLA. A key theme of the defense was that a pseudoaneurysm was never found on autopsy and was only a product of post-litigation review of autopsy findings. The defense called a Vanderbilt pathologist who actually viewed the heart which had been preserved and gave the opinion that there was no evidence whatsoever of a pseudoaneurysm existing.

A pediatric cardiologist from UCLA also opined that a pseudoaneurysm did not exist in this case and that, therefore, there was nothing which could have been repaired or corrected on Christmas Eve to avoid this unfortunate death on Christmas Day. Both witnesses for the defense, along with the Defendant, gave the opinion that this child had a very rare rupture of the heart muscle itself which was brought about by the failure of the surgery at UAB to relieve the obstruction and resulting pressure in the heart, which conditions are brought about by the tetralogy of Fallot congenital defects.

In short, the defense contended that not only did the Defendant meet the standard of care, but also that there was no way to predict or prevent such a rare, virtually unheard of complication.

The defense team was happy that the jury responded well to these logical defenses to overcome the Plaintiff's claim that this very rare condition of pseudoaneurysm existed and could have been repaired. The evidence simply did not support the existence of the pseudoaneurysm or that a Christmas Eve transfer to UAB would have altered the outcome. While the case was unfortunate, it was obvious that the verdict for the defense was abundantly supported by the evidence as the jury reported its verdict within less than twenty minutes of beginning deliberations. Mr. Keene and Ms. Hines were assisted by local counsel, Cliff Brady, in Mobile.

No post-trial motions or appeals were taken, and this verdict has now resulted in a final judgment.