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Physician The Victim Of Colleagues' Negligence

Dead man's widow collects
\$5M from various defendants

The wife of a physician who died after the sac around his heart was punctured during laparoscopic surgery will receive a total of \$5 million from various defendants. Three Connecticut doctors and a Connecticut hospital agreed to settle the case on the condition that the parties' identities remain confidential. Though finalized recently, some of the defendants settled out of the case earlier than others.

Ernest F. Teitell and **Paul A. Slager**, of **Silver Golub & Teitell** in Stamford, represented the deceased man's family. He was a colleague of the defendant physicians, they said. The medical negligence case had been pending in the New Haven Superior Court.

In June 2003, the plaintiff underwent elective laparoscopic surgical repair of a ventral hernia that had developed as a result of a previous abdominal surgery. During the procedure, the defendant surgeons used tacking clips to secure mesh in place to the herniated site with a laparoscopic tacking device. One of the tacking clips used to secure the mesh penetrated the thin sac surrounding the heart, called the pericardium, which caused bleeding into the pericardial sac.

The lawsuit didn't claim that hitting the pericardium with the clip was negligence. Rather the case focused on the care the plaintiff received after the procedure. He began showing signs of heart trouble, including falling blood pressure, a rising pulse rate and decreasing oxygen levels, as well as signs of serious blood loss. The surgeons and the hospital's nursing staff failed to take any steps required to investigate or diagnose the condition, Teitell and Slager



ERNEST F. TEITELL and PAUL A. SLAGER

maintained.

Ultimately, the plaintiff was transferred to the hospital's intensive care unit, where he was monitored and observed to be gravely ill, according to the two attorneys. They claim no investigation of his condition was pursued, even after the patient went into hemorrhagic shock. After many hours in the intensive care unit, the plaintiff went into cardiac arrest and died.

According to Slager, the defendants were represented by: **Thomas Anderson** and **Bradley M. Smolkin**, in the Hartford office of **Morrison Mahoney**; **Elizabeth Cornacchio**, a locally admitted attorney in **Heidell, Pittoni, Murphy & Bach's** New York office; **Daniel E. Ryan III**, of **Ryan, Ryan, Johnson & Deluca** in Stamford; and **Garie J. Mulcahey**, of **Bai, Pollock,**

Blueweiss & Mulcahey in Shelton.

Mulcahey said her client settled out of the case roughly two years ago, and for nothing close to \$5 million, though she would not disclose the figure. Ryan's client settled for \$1 million in June 2005, he said. The case, Ryan said, was "defensible," but his client had inadequate insurance coverage in comparison to the potential exposure. The other defense lawyers couldn't be reached by press time.

Mulcahey questioned the plaintiff attorneys' contention that the collective sum is the largest known wrongful death settlement for medical negligence in state history. "I've certainly been involved in larger settlements than that involving wrongful death," she said.

—Scott Brede