

KLUCKER vs. MERCADO

James Klucker and his wife had moved to Florida after Mr. Klucker's long career of military service. Mr. Klucker landed a job with a large defense contractor, and the couple happily settled into their new lives.

Unfortunately, Mr. Klucker began to experience chest pains on Jan. 29, 1995. He was admitted to Holmes Regional Medical Center, where he showed signs of coronary artery disease. He was discharged from Holmes Regional Medical Center on Jan. 31, 1995, under the care of his general practitioner, Eddie Mercado, M.D., and scheduled for a stress test.

On Feb. 9, 1995, a cardiac stress test was positive for stress induced cardiac angina. These results were immediately transmitted to Dr. Mercado's office. However, medical records confirmed that Mr. Klucker was not seen by Dr. Mercado until Feb. 20. At that time, Dr. Mercado noted the findings and referred Mr. Klucker to a cardiologist. Mr. Klucker saw a cardiologist on Feb. 24, 1995, who immediately recognized the severity of Mr. Klucker's condition and scheduled an invasive cardiac procedure to be performed as soon as possible. Unfortunately, Mr. Klucker died of a massive heart attack shortly after leaving the cardiologist's office.

Attorney William Norton filed suit on behalf of Mr. Klucker's family and immediately set the deposition of Dr. Mercado to find out why he was so lax in his treatment of a man who clearly needed acute care. During the deposition, Mr. Norton uncovered the existence of office notes for Feb. 16, 1995, which were not reflected in the record. During that time, Mr. Klucker came into the office clearly exhibiting signs of angina for which he should have been immediately hospitalized. Instead, Dr. Mercado prescribed a medication for indigestion and sent Mr. Klucker home. Dr. Mercado was not able to give a credible explanation for the existence of the unproduced record.

Attorney William Norton filed a demand for policy limits of \$1 million which were tendered shortly thereafter. ■