

**PLAINTIFF v.
DEFENDANT
HOSPITAL/DOCTORS**

In 1989, Plaintiff gave birth to her first child and, after the delivery, developed a condition called Adult Respiratory Distress Syndrome (ARDS). ARDS is a life threatening disease which causes the lungs to stiffen and fill with fluid. It requires swift and aggressive treatment if a victim is to survive. Her physicians intubated her quickly, and she achieved a full recovery.

Eighteen months later, Plaintiff gave birth to her second child under the care

of Dr. A, her obstetrician. While recovering from her Cesarean section, she again developed ARDS. Dr. A called in Dr. B, a pulmonary specialist. Even though Dr. B had participated in her previous ARDS treatment, he elected not to intubate. Instead, he employed a pressurized oxygen mask treatment called CPAP. The doctor chose this method of treatment even though some of the nurses later testified that they had told the doctor they were completely unfamiliar with its use. The defense experts testified that CPAP was appropriate in this case, and that the reason for the intubation in 1989 was because she vomited and aspirated stomach contents into her lungs, and had a respiratory arrest.

Over the next four days, Plaintiff continued to be treated by Doctors B and A. Even though her condition worsened and she was placed in intensive care, Dr. B only saw fit to visit her once per day on his daily rounds. Dr. A, however, continued to follow her closely, although he was outside his area of expertise. In spite of her worsening condition, Dr. B did not alter his plan of treatment. While Plaintiff was in the hospital, the nurses failed to follow their own critical care protocols in ordering arterial blood gases, failed to relay changes in the patient's condition to Dr. B, and failed to follow the protocol on the treatment of critically ill respiratory patients.

Dr. B finally recognized Plaintiff's desperate condition and intubated her. However, Dr. B's efforts came much too late, and she died of ARDS that same day. She was survived by her husband and two young sons.

The doctors and hospital defended this case by asserting that ARDS is a deadly disease that is almost impossible to cure. All the defendants asserted that,

regardless of the treatment, for the past fifteen years the mortality rate for ARDS has been sixty percent (60%), or greater. In addition, the defendants emphasized that Plaintiff's oxygen saturations were maintained at an acceptable level up until the day she was intubated and died. The defendants employed no fewer than fifteen of the most recognized physicians in their field to testify. Greg Barnhart and William Norton litigated this case for several years before obtaining a settlement shortly after mediation of \$1,375,000 plus \$70,000 from the first hospital for a total of \$1,445,000. ■