

ROWE vs. XYZ PHARMACY

Janie Rowe was a twin born at 36 weeks gestation. She had severe respiratory problems and was transferred to a higher level hospital and then ultimately to a Children's Hospital in South Florida. Janie required a protracted course of mechanical ventilation, having developed pulmonary emphysema and multiple pneumothoraces requiring chest tubes. Since some of her medication, including Lasix, was potentially toxic to hearing (ototoxic) a special test was performed on this infant which determined that her hearing was normal.

Upon discharge, her physician prescribed "oral Lasix, 4 mg. (0.4 cc.) a day". Janie's parents had this prescription filled at a local pharmacy and mistakenly, the pharmacy's instructions on the label indicated "take 4 cc. (4 ml) daily". This calculates to 10 times the actual prescribed dosage. Janie's mother followed the prescription to the letter. In fact, she phoned the pharmacy when she observed difficulty in giving her small child such a large volume of medication. The pharmacy's personnel simply responded "put it in her formula".

Subsequent to this massive overdose, it was discovered Janie's hearing was impaired and her hearing was tested again. These results were very abnormal and indicated permanent and profound hearing loss. Janie continues to this day with absolutely no hearing as a result of this misfilling of the prescription. The economic damages, the emotional damages, and Janie's future losses due to her total hearing loss were substantial.

Earl Denney and Chris Searcy resolved this case for the total sum of \$1.8 million. The settlement provided for very substantial sums initially to pay the substantial medical costs involved and

provide for Janie's immediate needs. It included a structured settlement involving periodic payments which would protect Janie and provide for her lifetime security. This settlement will assure Janie's ability as a totally impaired individual to be secure in a world not always a friendly place for the hearing impaired. ■