

Missouri Lawyers

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WEEKLY

■ \$883,000 VERDICT

Jury finds for patient with post-surgical ulcers

MEDICAL MALPRACTICE

- **Venue:** St. Louis County Circuit Court
- **Case Number/Date:** 12SL-CC03428/
Feb. 27, 2015
- **Judge:** Michael Burton
- **Plaintiff's expert:** Dr. Lige Rushing, Dallas (internal medicine)
- **Defendant's experts:** Dr. Diane Krasner, York, Pennsylvania (nursing care); Dr. George Griffing, St. Louis (internal medicine)
- **Special damages:** \$33,000 in past economic damages; \$750,000 in past noneconomic damages; \$100,000 in future noneconomic damages
- **Last pretrial demand:** \$750,000
- **Last pretrial offer:** \$20,000
- **Caption:** William Dieser v. St. Anthony's Medical Center
- **Plaintiffs' Attorney:** Mary Coffey, Genevieve Nichols and Adam Henningsen, Coffey & Nichols, St. Louis
- **Defendant's Attorney:** Paul N. Venker and Nathan D. Leming, Williams Venker & Sanders, St. Louis



Mary Coffey



Genevieve Nichols



Adam Henningsen

BY ALAN SCHER ZAGIER
Special to Missouri Lawyers Media

A St. Louis County jury awarded nearly \$900,000 to a St. Anthony's Medical Center patient who developed a deep-tissue pressure ulcer following complications from pancreatic surgery.

Fifty-eight-year-old William Dieser sued the hospital in 2012 over post-surgical injuries incurred in January 2008. According to the suit, a pressure injury developed on Dieser's buttocks by his third day in the hospital. He alleged that nurses negligently failed to reposition him in his hospital bed. The injury extended between the skin, through deeper tissues and into his sacrum bone, worsening into a Stage 4 pressure ulcer, said plaintiff's attorney Mary Coffey of Coffey & Nichols in St. Louis.

At trial, the hospital countered that the patient's wounds were caused either by his poor health or from leaking digestive enzymes that settled after surgery, ac-

ording to Coffey. Dieser suffered from diabetes, sleep apnea and pre-existing back problems. Defense attorneys did not respond to a request for comment.

Coffey said that Dieser's medical charts showed "several places ... where orders regarding repositioning were not carried out."

"Stage 4 pressure injuries are not supposed to happen in the hospital, especially in the [intensive care unit]," she said.

Dieser initially sought \$350,000 in noneconomic damages but refiled the case and sought \$750,000 after a state law limiting such awards by juries in medical malpractice suits was overturned by the Missouri Supreme Court in July 2012.

The case went to trial in late February, with the jury reaching its verdict on the fourth day. Jurors awarded Dieser a total of \$883,000, providing him the requested amount in past non-economic damages, \$100,000 in future economic damages and \$33,000 in past economic damages, including past medical damages. **MO**