



## VERDICTS & SETTLEMENTS

### Woman Died Of Kidney Failure

#### *Family Claimed Urinary Tract Infection Not Properly Treated*



MARY COFFEY



GENEVIEVE NICHOLS

#### **\$950,000 Settlement**

The family of a 47-year-old woman who died of kidney failure sued her family doctor, her obstetrician-gynecologist and a kidney specialist for medical malpractice.

The woman had a urinary tract infection in 1995. The OB-GYN took a culture, which revealed the proteus bacteria, but no follow-up was done. The OB-GYN claimed the family doctor was responsible for follow-up care, while the family doctor said follow-up was the responsibility of the OB-GYN.

Kidney stones eventually developed and kidney failure was diagnosed in 1998. The family doctor referred the woman to a kidney specialist, who diagnosed irreversible kidney failure and put her on dialysis.

In deposition the woman's nephrology expert testified that the kidney failure was probably reversible in 1998 with surgery. However, the specialist's experts testified that the kidneys were irreparably damaged by 1998, but probably could have been saved if the 1995 urinary tract infection had been properly treated by either the OB-GYN or the family doctor.

The woman was never eligible for a kidney transplant because of continuing infection and blood clotting as a result of dialysis. She died on July 17, 2000 from kidney failure.

A few weeks before the trial date plaintiffs' counsel conducted a focus group in Cape Girardeau because they were concerned a southeast Missouri jury would be more pro-doctor and less generous than St. Louis jurors.

After assembling 15 people through a temporary service, counsel spent one hour discussing general issues about lawsuits, malpractice claims and death cases, and another hour discussing the facts of the case and the group's opinions on liability, apportionment and damages. Counsel said their experience with the focus group encouraged them to demand a higher settlement.

The OB-GYN and kidney specialist agreed to pay \$950,000 in return for a complete release of all defendants — including the family doctor, who did not settle. The settling physicians are expected to seek contribution against the family doctor.

**Type of Action:** Medical malpractice

**Type of Injuries:** Kidney failure, death

**Court/Case Number/Date:** Cape Girardeau Circuit Court/Confidential/May 3, 2002

**Caption:** Confidential

**Judge, Jury or ADR:** Jury

**Name of Judge:** William L. Syler

**Verdict or Settlement:** \$950,000 settlement

**Special Damages:** \$280,000 past medical; \$360,000 past and future wage loss

**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorneys for Plaintiff:** Mary Coffey and Genevieve Nichols, Coffey and Associates, St. Louis

**Insurance Carrier:** Confidential

**Plaintiff's Experts:** Dr. Gerard Callaghan, St. Louis (obstetrician/gynecologist); Dr. David Goldfarb, New York, N.Y. (nephrologist); Dr. Michael Grasso, New York, N.Y. (urologist); Dr. Martin McClintock, St. Louis (family practice)

**Defendant's Experts:** Dr. Everett A. Beguin Jr., Springfield (obstetrician/gynecologist); Dr. James Delmez, St. Louis (nephrologist); Dr. Douglas Domoto, St. Louis (nephrologist); Dr. Paul J. Garvin, St. Louis (transplant surgeon); Dr. Lawrence D. Gelb, St. Louis (infectious disease); Dr. Thomas Johnson, St. Louis (family practice); Dr. Paul D. Thompson, Cape Girardeau (urologist)