



Daily Journal

VERDICTS AND SETTLEMENTS

Medical

Malpractice

Jane Doe v. Doe Physicians

Published: Nov. 8, 2019 | Result Date: Mar. 4, 2019 |

Settlement – **\$2,004,000**

Mediator

[Jay C. Horton](#)

Court

Los Angeles County Superior Court

Attorneys

Plaintiff

[Benjamin T. Ikuta](#)

(Hodes Milman LLP)

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(Hinman Law Group, PC)

Defendant

Experts

Plaintiff

[Catherine M. Graves MBA](#)
(economics)

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Defendant

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(radiology)

David Gibbs M.D.
(pediatric surgery)

Facts

Plaintiff, Jane Doe, was 12 years old and in the 7th grade when she presented to the hospital with severe abdominal pain and bilious emesis. She spent several days in the hospital without any definitive diagnosis and became progressively more ill. Finally, on the night of the third day of her hospitalization, an x-ray revealed a small bowel obstruction. However, the treating physicians did not go into the hospital to evaluate Plaintiff until approximately 12 p.m. the following day and ultimately a new surgeon had to be called in to perform a life-saving operation to relieve the small bowel obstruction. By the time the operation was performed, plaintiff had become septic and required vasopressors and other life support measures. She was transferred by air-life to a tertiary care center and spent more than two months in the hospital.

Contentions

PLAINTIFF'S CONTENTIONS: Plaintiff contended that the attending physicians breached the standard of care by failing to evaluate plaintiff and perform surgery the night the x-ray results returned. Plaintiff contended that had plaintiff been operated on sooner, even as late as the next morning, she would not have become systemically ill and would have had a much better outcome, including no kidney failure, compartment syndrome, or loss of her toes. Further, plaintiff contended that as a result of those catastrophic illnesses, she is at a very high risk to suffer severe health complications during her lifetime which will require additional surgeries, hospitalizations, and care.

DEFENDANTS' CONTENTIONS: Defendants claimed that plaintiff had an abnormal presentation of a small bowel obstruction, including that initial x-rays were reportedly normal, and that the failure to diagnose her sooner was not negligent. Defendants argued that plaintiff did not become completely obstructed until late in the timeline so prior diagnosis could not have been made. Defendants argued that by the time diagnosis was made the night prior to surgery, plaintiff's ultimate result was unavoidable. Finally, defendants argued that plaintiff's need for future care was speculative and not reasonably certain to occur.

Damages

Plaintiff's past medical care was paid for by a self-funded ERISA insurance plan that asserted a lien of \$1.27 million. Plaintiff presented a life care plan at mediation with \$13.8 million in future care, mostly related to the claim for future need for dialysis due to plaintiff's kidney injuries.

Injuries

Plaintiff suffered acute kidney failure, abdominal compartment syndrome, requiring an open abdomen, and ultimately lost the tips of all of her toes due to necrosis as a result of her sepsis.

Result

The case settled for \$2,004,000.