

The New York Jury Verdict Reporter, Inc.

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MEDICAL MALPRACTICE - DIAGNOSIS OF FEMORAL ARTERY OCCLUSION

Sylvia and Osmond Reynolds v. Dr. Charles Hunt, Manhattan HIP Medical Group, and Dr. Hyman Donnenfeld 8675/86 2-week trial Verdict 11/9/87 Judge Stanley L. Sklar, New York Supreme

VERDICT: \$600,000 v. Hunt and Manhattan HIP. Defense verdict for Donnenfeld. Breakdown: \$125,000 for past pain and suffering; \$450,000 for future pain and suffering; \$25,000 for past loss of services; 0 for future lost services. Subsequently settled for \$412,500. Jury: 1 male, 5 female.

Pltf. Atty: Steven V. North, Manhattan

Deft. Atty: Steven B. Samuel of Samuel & Wyninger, Manhattan, for Michael Saunders, for all Defts.

Facts: Pltf. claimed that Deft. failed to diagnose an occlusion of the superficial femoral artery which led to a below-the-knee amputation of his right leg. Pltf., age 76 at the time, sought treatment for sudden leg pains on five separate occasions. Defts. diagnosed sciatica and prescribed pain medications. They also prescribed elevation, which is contraindicated for circulation deficiencies. An occlusion of the artery was finally diagnosed on 1/24/85 after Pltf. went to an emergency room with extreme pain.

Four surgical procedures followed to save the leg, including toe amputations, until the final leg amputation on 2/20/85. At trial, Pltf. contended that Defts. should have taken leg pulses and looked for toe discoloration. Defts. argued that the length of time it took to make the diagnosis was irrelevant as the same injuries would have resulted. They also maintained that their diagnosis was acceptable, given Pltf.'s back symptoms.

Dr. Donnenfeld was only involved in the latter stages of Pltf.'s treatment. He was still held negligent although the jury found no proximate cause against him. Pltf. was employed as a cleaning woman at the time of this incident, but is presently disabled and unable to enjoy her former recreational activities. She wears an artificial limb. Offer: \$200,000; demand: \$350,000; amount asked of jury: \$1,175,000. Pltf. Expert: Dr. William Stahl, surgeon, Manhattan. Deft. Expert: Dr. Julius Jacobson II, general and vascular surgeon, Manhattan.