



2139 PALM BEACH LAKES BOULEVARD  
WEST PALM BEACH, FLORIDA 33409

TOLL FREE: 800-780-8607 ■ LOCAL: 561-686-6300  
FAX: 561-478-0754



THE TOWLE HOUSE, 517 NORTH CALHOUN STREET  
TALLAHASSEE, FLORIDA 32301

TOLL FREE: 888-549-7011 ■ LOCAL: 850-224-7600  
FAX: 850-224-7602

ATTORNEYS AT LAW:

ROSALYN SIA BAKER-BARNES  
F. GREGORY BARNHART  
THERON H. BASS  
LAURIE J. BRIGGS  
BRIAN R. DENNEY  
EARL L. DENNEY, JR.  
BRENDA S. FULMER  
JAMES W. GUSTAFSON, JR.  
JACK P. HILL  
DAVID K. KELLEY, JR.  
WILLIAM B. KING  
DARRYL L. LEWIS  
WILLIAM A. NORTON  
PATRICK E. QUINLAN  
EDWARD V. RICCI  
DAVID J. SALES  
JACK SCAROLA  
CHRISTIAN D. SEARCY  
JOHN A. SHIPLEY  
CHRISTOPHER K. SPEED  
KAREN E. TERRY  
C. CALVIN WARRINER III  
DAVID J. WHITE

PARALEGALS:

VIVIAN AYAN-TEJEDA  
EMILIO DIAMANTIS  
ALYSSA A. DIEDWARDO  
MARCIA Y. DODSON  
RANDY M. DUFRESNE  
DAVID W. GILMORE  
JOHN C. HOPKINS  
DEBORAH M. KNAPP  
VINCENT LEONARD  
J. PETER LOVE  
CHRISTOPHER J. PILATO  
ROBERT W. PITCHER  
KATHLEEN SIMON  
STEVE M. SMITH  
BONNIE STARK  
WALTER STEIN  
BRIAN P. SULLIVAN  
LINDA T. WELLS

MANAGER: JOAN WILLIAMS

EDITORS: DIANE TRUMAN AND PAULINE MUELLER  
ASSOCIATE EDITOR: ROBIN KRIBERNEY  
CREATIVE DIRECTOR: DE CARTERBROWN

## \$1.35 Million Settlement for Damage Resulting from Lack of Monitoring During Surgery

In March 2000, James Williams and his wife, Sandra, were vacationing in Florida when James began to suffer shortness of breath and other indications of a cardiac problem. He was taken to a local hospital where doctors examined him and determined that he had an arterial occlusion (blockage) that would require expeditious cardiac bypass surgery. To avoid any delay, the couple decided to have the surgery performed in Florida. Unfortunately, the team performing the surgical procedure failed to exercise reasonable care and proper procedures, and James suffered permanent damage to his eye.

During this type of surgery, a patient's normal cardiac output is maintained by a heart-lung machine. In using the machine, it is necessary to maintain a proper and sufficient volume and flow of blood to the body to keep the cells of the body functioning properly. During James' surgery, the doctors failed to prime the heart-lung machine with a sufficient volume of blood, and this led, in turn, to their inability to maintain a sufficient flow of oxygen-carrying hemoglobin to the cells of his body. This failure to keep the body properly perfused with oxygenated blood caused significant damage to James' optic nerve, leaving him with a permanent decrease in vision. The treating physicians should have been aware of the problem based on information reported by blood flow monitors in the operating room. Further, the physicians relied inordinately upon the use of vasoconstricting drugs which likely added to the problem of poor oxygenation.

James and Sandra asked SDSBS attorneys **Jack Scarola** and **Darryl Lewis** to represent them in an action against the physicians and the hospital for failure to exercise reasonable and proper care in performing the surgery. The medical team's failures were established for the plaintiffs with the help of experts in cardiothoracic surgery, neuro-ophthalmology and cardiac anesthesia. After the second day of jury selection, defendants agreed to a settlement of \$1.35 million. ■



**While vacationing in Florida, James Williams was taken to a local hospital with symptoms of cardiac distress. Examination revealed an arterial blockage that required expeditious bypass surgery. James and his wife decided to have the surgery done right away. Unfortunately, during surgery the doctors failed to operate and maintain the heart-lung machine properly and the lack of sufficient oxygenated blood resulted in significant and permanent damage to James' optic nerve.**

OF  
COUNSEL

NEWSLETTER  
VOLUME 08 NUMBER 3

NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.