

## Irreversible Brain Damage from Medical Negligence

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# *Cosmetic Surgery Results in Coma*

On Sept. 26, 1997, Lizbeth Budde arrived at Dr. Poser's office to undergo liposuction surgery and remove fatty deposits from the backs of her thighs. Dr. Poser contracted with Brenda Mull, a nurse anesthetist, to administer the anesthesia. During the procedure, Nurse Mull negligently administered a high epidural. She improperly placed the catheter in the spinal canal and too much anesthesia was administered to the patient. Such a mishap can be very dangerous because it can stop a person's respiration and heartbeat. Immediately after receiving the epidural, Mrs. Budde began having a difficult time breathing and her blood pressure dropped.

At 10:24 a.m., someone from Dr. Poser's office called 911 and reported that Mrs. Budde's heart had stopped and that she was not breathing. When the paramedics arrived at 10:31, Mrs. Budde was in cardiac arrest. They also noted that someone had improperly administered a tube into Mrs. Budde's esophagus instead of her airway. The paramedics successfully resuscitated Mrs. Budde and then left at 10:51.

Dr. Poser called an anesthesiologist, Dr. Erik H. Zander, to continue with the liposuction procedure. Dr. Zander authorized the surgery and advised his medical staff to proceed.

At 2:56 p.m., another call came from Dr. Poser's office to 911, requesting that Mrs. Budde be transported to Alachua General Hospital in Gainesville. The paramedics returned to Dr. Poser's office ***continued on page four***



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at 3:01 p.m. and found Mrs. Budde unconscious and suffering from seizure activity. They then transported her to Alachua General Hospital. Dr. Poser noted on Mrs. Budde's personal history and physical examination forms that she had received a high epidural which resulted in a possible allergic reaction.

As a result of the negligence committed by the two doctors and the nurse, Mrs. Budde, a mother of two little boys, suffered permanent and irreversible brain damage. She now lives in a comatose state.

This case was referred to Greg Barnhart from attorney G. Russell Petersen in Vero Beach. Mrs. Budde's mother, Janice Pestrichelli, and her ex-husband, Gregory Budde, sought to pursue a medical negligence claim against Dr. Poser, Dr. Zander, and Nurse Mull.

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During discovery, Mr. Barnhart uncovered that Dr. Zander was trying to distance himself from any wrongdoing in the case. Dr. Zander made notes in Mrs. Budde's file claiming that Dr. Poser intentionally withheld critical information from him. He also contended that he had arrived at Dr. Poser's office at 11:00 a.m., instead of 10:30 a.m., as reported by more than ten eyewitnesses. Dr. Zander also falsely testified that he was never informed that Mrs. Budde received CPR and, had he known such facts, he would have insisted on hospitalizing her. Both Dr. Poser and Nurse Mull testified that Dr. Zander was informed that CPR was performed. In fact, the paramedics revealed that Dr. Zander arrived just after Mrs. Budde went into cardiac arrest and was present when they were performing CPR. Had Mrs. Budde been transferred to the hospital while receiving CPR, she would have suffered a lesser brain injury, or perhaps no permanent injury whatsoever.

Mrs. Budde and her family have suffered tremendously and needlessly. Mrs. Budde will require constant medical care for the rest of her life. She lives in a nursing home in Vero Beach. Based in part on the overwhelming evidence against Dr. Zander, Mr. Barnhart settled with all the defendants for \$3.5 million on behalf of Mrs. Budde and her family. ■