

Failure by Doctor and Hospital to Provide Proper Evaluation Results in Coma for Young Girl

At 12 years of age, Juliette J was a young girl with more than her share of life's difficult circumstances. At the age of two, she had contracted spinal meningitis, leaving her dependent upon a shunt placed in her brain to drain excess cerebral spinal fluid down into her stomach. The shunt enabled her to reduce intracranial pressure brought about by a build-up of the spinal fluid. Ten years later, Juliette's pediatric neurosurgeon, Dr. C, examined her and found that the original shunt was now too short. He recommended replacing it.

On May 31, 2000, Juliette was admitted to Defendant Hospital for shunt replacement. The procedure appeared to be successful, it functioned properly, and Juliette was discharged to go home the next day, June 1.

Five days later, Juliette's family noticed she was not responding normally, and was lethargic – not the usual behavior for a young and active girl. Around 8:30 pm on June 6th, Kathleen J, Juliette's mother, became alarmed and took Juliette to the emergency room at Defendant Hospital where Juliette was examined and tested. Around midnight, Dr. C, responding to the hospital's call, determined that a tap was needed to clear potential blockage in the newly replaced shunt. According to Dr. C, a blockage was causing her symptoms, and, if left in place, could lead to serious brain injury.

Dr. C performed the tap procedure and determined that Juliette's condition had immediately improved. He left the hospital shortly after, leaving Juliette's care in the hands of the emergency room physician, Dr. L. Juliette remained in the emergency room for over an hour, and about 3:00 am the next morning, was discharged to go home with her mother. No further instructions were given to the family for Juliette's care, or for conditions that must be monitored.

The exhausted family went to bed after returning home, and awoke at 8:00 am. When they checked on Juliette, she was totally unresponsive. Kathleen J im-

mediately called 911 and an emergency crew rushed her daughter back to Defendant Hospital. Juliette never regained consciousness. A blockage in her shunt had caused a dangerous increase in the intracranial pressure, causing severe brain damage.

"She is in a minimally conscious state, requiring 24-hour care, pulmonary follow-up and surgical revisions for the remainder of her life."

Twelve-year-old Juliette remains, at present, in a minimally conscious state. She has sleep/wake cycles and responds to stimulations, but does not communicate or interact with those around her. She requires 24-hour care, totally dependent on her family and outside caregivers. She will require pulmonary follow-up and possibly a tracheotomy and gastrostomy revisions for the remainder of her life. In order to care for her, her family will need a completely accessible home, including LPN/RN nursing care.

The family contacted attorney Christopher K. Speed, of Searcy Denney Scarola Barnhart & Shipley, who set up a 'special needs trust' for Juliette. The trust qualified Juliette for Medicaid benefits, which would otherwise not be available to her. Juliette's guardian retained special counsel, Scott M. Solkoff, to draft the documents. In reviewing the evidence, Mr. Speed established that Defendant Hospital staff had failed to provide full and appropriate surveillance, monitoring, and neurologic evaluation of Juliette's condition. The hospital and its staff also failed to provide appropriate neurosurgical intervention to prevent the coma that Juliette will suffer for the remainder of her life. An action was brought on behalf of Juliette, charging the hospital with medical negligence.

Following extensive negotiations, Chris Speed was able to obtain a settlement between the J family and the hospital for \$7.5 million. A separate settlement had previously been made with the neurosurgeon for \$250,000, his insurance policy limits. This money will be placed in Juliette's trust to provide her with optimal care for the rest of her life. ■

\$7.5 Million Settlement

NEGLIGENCE FROM FAILURE TO PROVIDE PROPER MEDICAL CARE