

**\$3.4 Million
Verdict:**
**IGNORED SYMPTOMS
RESULT IN MEDICAL
NEGLIGENCE VERDICT
AGAINST DOCTOR**

Ignored Symptoms Cause Woman's Death

On May 15, 2000, fifty-year-old Irma Imelda Carter was found slumped over her bed by her 22-year-old son, Stephen, and 16-year-old daughter, Lauri. Stephen attempted cardiopulmonary resuscitation, but was unsuccessful in reviving his mother. The fire-rescue paramedics arrived in response to the 911 call, and they, too, attempted to revive Irma as Stephen and Lauri watched in horror. Their efforts were futile as well. Moments later, Stephen had to call his father, out of town on business, and tell him that, tragically, his wife of thirty-three years was dead.

The Carter family requested an autopsy to determine the cause of death. The report stated that she had died of congestive heart failure. In the two weeks before she died, Irma had been under the care of Dr. Agustin Sanz, an internist, but there had been no indications from the doctor of any problem that would have resulted in her abrupt demise. Stephen requested copies of his mother's medical records from Dr. Sanz, and the family was shocked at what the records revealed.

Irma Carter had an overactive thyroid, a condition that can result in the development of congestive heart failure.

She had been referred to Dr. Sanz by Dr. Tania Serrano, an obstetrician/gynecologist who had recently placed Irma on hormone replacement therapy. When Dr. Sanz first saw Irma on May 1, 2000, he documented a completely normal physical examination. He noted the test results indicating an overactive thyroid and an elevated liver function, but specifically stated that she had no chest pain, no swelling, and that the palpitations of which she complained occurred only upon lying down at night.

Stephen, however, had been present in the examination room for the May 1 office visit, and specifically recalled his mother telling Dr. Sanz that she was experiencing shortness of breath, and feeling weak and tired. Stephen had explained to Dr. Sanz that his mother continued to have swelling of her legs and ankles. In fact, he actually raised her leg upwards and pressed on it, showing that the swelling was so severe

that when he pressed on the legs and ankles, his finger left an indentation. In addition to other symptoms he described to Dr. Sanz, Stephen pointed out that he could see a vein in his mother's neck pulsating. Dr. Sanz did not record any of these findings; his report appeared as if Irma Carter's examination revealed nothing out of the norm.

On May 10, 2000, Irma underwent two tests ordered by Dr. Sanz – an abdominal ultrasound and a 24-hour Holter monitor. The abdominal ultrasound revealed fluid in the abdominal cavity, a sign of a serious problem including the possibility of heart disease. The Holter monitor's results were also alarming. Between May 10 and 11, Irma's heart rate was over 220 beats per minute for the entire study. Because Dr. Sanz never requested the results of the Holter monitor study, they were not reported to him until after Irma's death.

On May 12, Irma was still feeling very sick and she returned to Dr. Sanz' office. Dr. Sanz by this time had the ultrasound report of fluid in the abdomen. He noted a soft and non-tender abdomen in his examination of Irma, but also included in his examination notes that Irma's heart, pulse, and res-

piratory rate was normal, despite the fact that she had recorded an extraordinarily high pulse and respiratory rate during the 24 hours under the monitor. Dr. Sanz sent Irma home, and three days later she died.

After reviewing the medical records and autopsy report, the Carter family hired attorneys Darryl Lewis, Sia Baker-Barnes, and Jack Hill, with Searcy Denney Scarola Barnhart & Shipley, to pursue charges of medical negligence. The trial began on February 28, 2005, and lasted three weeks. Throughout the trial, the SDSBS team worked hard to disprove Dr. Sanz' records using testimony of family members, admissions in Irma Carter's email correspondence where she had described her symptoms, and most importantly, the fact that it was nearly impossible, medically, for Irma to appear as described by Dr. Sanz.

The defense argued vehemently that Dr. Sanz' records indicated a normal patient, that **Continued on page four.**



Many Ignored Symptoms Cause Woman's Death

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the family members were not telling the truth, and that Irma Carter herself held back her symptoms from Dr. Sanz. Experts for the defense claimed that Dr. Sanz had no reason to suspect any heart problem and, according to defense's pathology expert, the medical evidence was consistent with Irma Carter developing congestive heart failure in the three days after she last saw Dr. Sanz. Defense also attempted to blame family members by suggesting that if her condition was as bad as they described, they would have, and should have, taken her to the hospital.

Plaintiffs' attorneys were able to successfully demonstrate that Dr. Sanz' records did not accurately reflect Irma Carter's true symptoms; that the test results would have been available to Dr. Sanz if he had requested them; and that if Irma Carter had been timely diagnosed and treated, she would likely have survived to live out her normal life. The jury deliberated only four hours before reaching a verdict in favor of the Plaintiffs. The jury specifically found that Dr. Sanz was negligent in his treatment of Irma Carter, and that his negligence caused her death. After assigning 100% responsibility to Dr. Sanz, the jury awarded the family approximately \$3.4 million in damages. In addition to awarding compensation for the loss of the central member of the Carter family, the jury provided the family with the long-awaited justice they deserved. ■