

JOHN DOE vs. DOE HOSPITAL

John Doe, a minor, was born with a congenital heart condition. Shortly after birth, the defendant doctor performed a successful heart operation. Following this procedure, John was thriving and reaching all developmental milestones. Despite the fact that John, at two and a half, was doing well and had not deteriorated physically, the defendant doctor decided to perform a risky and experimental heart operation. Plaintiff's experts testified that performing this procedure on John, given his age and weight, fell below the standard of care. Predictably, the surgery failed, requiring the performance of yet another surgery, exposing John to 46 minutes of increased risk of brain damage. Post-operatively, the doctors and nurses failed to properly assess and treat John's brain damage. At discharge, John had regressed to the level of a one month old and had developed an involuntary movement disorder. On the first day of trial, Jack Scarola and Kathy Martinez negotiated a \$2.5 million settlement. ■