

# Man's Death Results from Nurse Ignoring Clear Signs of Curable But Life-Threatening Condition

On May 1, 2012, a Broward County, Florida, jury returned a verdict for the family of Paul Mendelson, a career prosecutor and deputy chief of the Legal Division at the Miami-Dade State Attorney's office. Paul was 49 years of age when he died in January 2002 as a result of a negligent nurse who did not consult with Paul's doctor when he called the doctor's office with obvious signs of a life-threatening, but curable, condition.

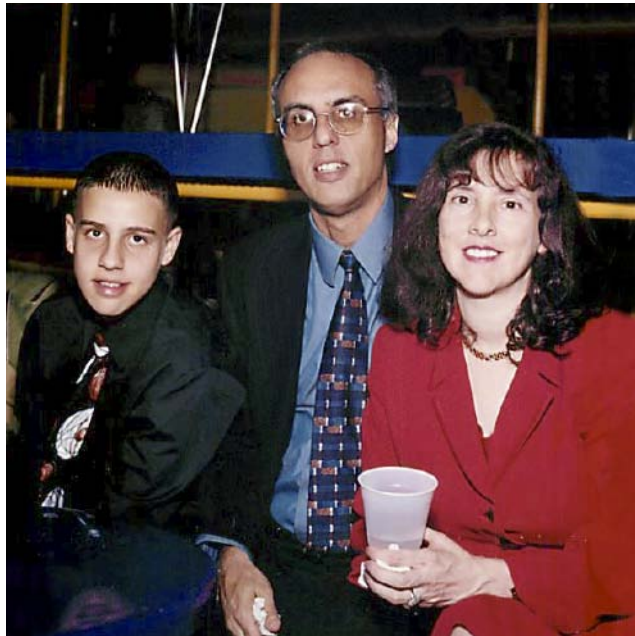
On December 5, 2001, Paul Mendelson went to his doctor complaining of weakness in his left arm, chest pressure, and discomfort in his jaw. He was admitted to a local hospital. The next morning, a thallium stress test showed Paul had previously suffered a myocardial infarction (heart attack) and a small area of damage to a portion of his heart. The test also showed ischemia (loss of blood flow) to that portion of his heart. Paul was transferred to another hospital where he underwent a cardiac catheterization, an angioplasty, and a stent procedure on the left anterior descending coronary artery. Paul had only one coronary artery with blockage that required treatment, unlike many people who suffer coronary artery disease with severe blockage in multiple coronary arteries. The stent opened the blocked artery and restored blood flow to the damaged portion of the heart. The procedures were successful, and Paul was sent home the next day with prescriptions for blood thinning medications.

About one week later, Paul and his wife Debra returned to his doctor's office for a routine follow-up examination. Records indicated he was doing well, and the doctor ordered some routine blood work and another stress test in six weeks. In mid-January, however, Paul complained again of chest pain, and the couple placed a call to the doctor's office. A nurse returned their call and asked a series of questions about Paul's condition.

The nurse did not call Paul's doctor to notify him of Paul's troubling complaint, nor did she tell Paul to go

to the hospital emergency room immediately. Instead, the nurse told the Mendelsons that the doctor would address his condition at the upcoming office appointment. Relieved, Paul and Debra went about their daily lives.

A coronary artery stent often works well to keep blood flowing through an artery as intended. It is akin to a small straw, or tube, that props open the artery. It is, however, a foreign body inserted into a person's



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coronary artery. As such, it is known to have a small risk of thrombosis – essentially a blood clot in the stent that blocks blood flow through the artery. Because of the blockage in the coronary artery, a symptom of thrombosis is chest pain. Symptoms of chest pain in any patient that had recently received a stent is considered a medical emergency because a thrombosis can result in death just as rapidly as a classic myocardial infarction.

On Saturday, January 26, 2002, Paul left for his office to do a little work before attending his son Daniel's afternoon basketball game. Daniel was 14 years old; his older sister, Rachel, was 18. Daniel was driving to the game with a teammate and his teammate's mother. On the way to the game, they saw Paul's car on the side of the road in their neighborhood, partially on the swale, surrounded by *(Continued on page six.)*

## Speaking Opportunities



On December 3, 2011, **Chris Searcy** spoke to the Kansas Association for Justice at its 39th Annual Crown Center Seminar and Annual Meeting, and 60th Anniversary Celebration, held in Kansas City, Missouri. His topic was "The Site Where You Cannot See." ♦



The American Association for Justice recently certified a new Litigation Group to address issues involving Pradaxa. **Brenda Fulmer** was appointed interim co-chair for the Group. The Group held a plaintiff-only AAJ Education Seminar, "Handling the Pradaxa Claim," on April 11, 2012, in Baltimore, Maryland.

Ms. Fulmer spoke at the seminar on the subject of "Screening the Case and Representing the Elderly." In January 2012, Ms. Fulmer spoke at a meeting of the Martin County Bar Association's Trial Committee CLE Seminar held in Stuart, Florida. Her topic was "What is a Mass Tort?" ♦



On May 7, 2012, **Mariano Garcia** was guest speaker at the monthly luncheon of the Palm Beach County Hispanic Bar Association. Mr. Garcia provided an extensive presentation on merit retention in the State of Florida, including the history of and the need for judicial merit retention in order to keep politics out of the

courthouse. The presentation was interactive and attendees, including several judges, provided many comments and feedback on the need to educate the public on the importance of an independent judiciary. ♦



Paralegal **Vince Leonard** conducted a seminar on "Getting the Most Out of Mediations" at the Spring Paralegal Breakfast hosted by the Palm Beach County Justice Association. The event was held on March 23, 2012, at Bear Lakes Country Club in West Palm Beach, Florida. ♦

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*(Continued from page three.)*

police and medical personnel. Paul had been found inside the car, unresponsive. The authorities had rushed him to a nearby hospital. Daniel called his mother and the two of them raced to the hospital. After waiting several hours, they were told that Paul had died. An autopsy performed by the Broward County Medical Examiner revealed that Paul had died as a result of a thrombosis in the recently-stented coronary artery. The nurse had ignored the tell-tale signs of a thrombosis reported to her by Paul in his phone call a little over a week before. An obvious, treatable condition went tragically unchecked until it killed him.

Paul Mendelson was a giant in the legal community. He was the consummate 'lawyer's lawyer,' an ethical man whose motto was "always do right." Paul was respected by his opponents and peers, and many on the opposing side of his cases listened to him because he truly lived that motto to "do right." His funeral was a standing-room-only event. Legal and political luminaries attended, alongside heartbroken neighbors and friends, many of whom spoke about how Paul had touched their lives. Debra, Daniel, and Rachel had suffered an unimaginable loss.

The Mendelson family sought representation to hold the parties responsible for the terrible negligence that had caused Paul's untimely death. SDSBS attorneys **Bill Norton** and **Jim Gustafson** were privileged to try the case to a Broward County jury. In May 2012, the jury returned a verdict of \$940,000 for the family. ♦