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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.

Failure to Diagnose and Treat Infection Causes Father's Untimely Death

In December 2005, an Okeechobee jury awarded \$1.75 million to the estate of Gregory McCann, a 39-year-old father of two, who died as a result of medical malpractice and negligence on the part of Gateway Medical Group and one of its physicians, Richard A. James, M.D. This is believed to be the only medical malpractice verdict recorded in Okeechobee County, Florida. The award was later reduced to \$875,000, due to comparative negligence.

Early in September 1998, Greg McCann fell down concrete stairs in the home that he was building. He broke six ribs in the fall. He was taken to Raulerson Hospital in Okeechobee and attended by Dr. James, General Surgeon. Despite the fact that Greg was in deep pain that could not be controlled by medication, Dr. James discharged him from the hospital approximately three days later. The early discharge, and additional complications from the rib fractures, caused Greg to have difficulty in breathing and he continued to be in severe pain. Greg and his father, Michael McCann, who was caring for him, called Gateway Medical Group several times in the next few days regarding the difficult breathing and pain. In a follow-up visit about one week later, the doctor noted that his patient was suffering from "rapid shallow breathing" and remained in severe pain, but he failed to record any vital signs or order a chest x-ray. Greg was told that his condition was to be expected. He was given another prescription for pain medication and sent back home with his father. A week later, Greg was dead. An autopsy confirmed that the lining of Greg's lung was full of infection, a condition known as empyema.

Greg's father, Michael, asked SDSBS attorneys Bill Norton and Harry Shevin to file a medical malpractice lawsuit against Gateway and Dr. James, on behalf of Greg's two daughters, Vickie, age 4, and Hannah, age 9, at the time of their father's death. The Okeechobee jury determined that Dr. James was negligent for failing to properly diagnose and treat the infection in Greg's chest, and that this negligence caused Greg's untimely death. The net proceeds of the award will be placed in a guardianship for each of Mr. McCann's daughters, to further their education and to provide a head start in life once their education has been completed. ■

**\$1.75 Million
Verdict:
MEDICAL MALPRACTICE
AGAINST HOSPITAL
AND DOCTOR**

*In spite
of symptoms
indicating infection,
Greg was given
a prescription for
pain medicine and
sent home...
a week later
he was dead.*

