

## **Mrs. K v. West Coast Hospital**

Mrs. K was a 39-year-old wife and mother of three who suffered for years with asthma. She used prescribed inhalers on a routine basis to manage her condition. On one particular day, however, Mrs. K had a serious asthmatic flare-up, which required her to go to her local hospital for emergency treatment.

In the emergency room, Mrs. K was promptly triaged and seen by medical personnel. During the first hour, she was monitored, provided medications, and received respiratory therapy to help with her labored breathing. Subsequently, a decision was made by the emergency room physician to intubate Mrs. K to provide her oxygen through an endotracheal tube.

Following the intubation, Mrs. K was placed on a mechanical ventilator to assist in the delivery of oxygen to her lungs. Tragically, the mechanical ventilation equipment was set at a level such that oxygen was being pushed into Mrs. K's lungs, but was not providing enough time for air to be expelled. One of the greatest difficulties for an asthmatic having an attack is the inability to adequately exhale. The mechanical ventilator used on Mrs. K did not provide any assistance in that regard. As the air pressure in Mrs. K's lungs increased, it caused pressure on her heart, thereby causing her to go into cardiac arrest. Once the emergency room team dis-

covered the problem, they attempted to resuscitate Mrs. K, but her heart had been stopped long enough to cause a serious brain injury. Mrs. K went into a coma for a period of months and then passed away.

Attorneys Chris Searcy and Chris Speed were retained to handle this case. As often happens in complex medical cases, which require several weeks to try, this case had been set for trial four different times over the past two years. Once a firm trial date was finally set for this fall, Mr. Searcy and Mr. Speed were able to resolve the case on behalf of Mrs. K's family for \$1.575 million. The majority of the money has been placed into annuities that will provide financial security for Mrs. K's three children. ■

## **Leasing Company Settles with Family of Deceased Child**

On Oct. 31, 1998, a young boy, his older sister, and their cousins were enjoying Halloween night, trick-or-treating. As the group of children crossed a street, the driver of an automobile hit the young boy. The boy, described by his first grade teacher as an angel and a perfect student, was killed.

Attorneys Jack Scarola, Darryl Lewis, and Ellen Brandt were hired by the boy's family to investigate the crash. Witnesses were brought to the scene to show investigators their exact vantage points on the night of the tragic accident. Photo-

graphs of each witness's view were incorporated with other findings to help establish that the driver was negligent.

With strong liability on the driver established, attention was turned to the limited insurance coverage carried by the at-fault driver. However, the driver of the car was operating a vehicle that had been leased under a long-term lease agreement. Generally, a company that leases a vehicle to a lessee under a long-term lease is entitled to enjoy a statutory exemption from liability, provided the company strictly complies with the terms and conditions of the statute. In this case, however, strict compliance of that statute was called into question based on the limited insurance coverage carried by the lessee. Suit was therefore filed against the leasing company.

Arguing strict compliance with the statute governing leasing companies, the company in this case moved for Summary Judgement. At the hearing, Darryl Lewis successfully argued that the leasing company failed to strictly comply with the terms and conditions of the statute. The company's Motion for Summary Judgement was therefore denied and the case proceeded to trial. Several days into the trial, Jack Scarola, Darryl Lewis, and Ellen Brandt reached a confidential settlement with the leasing company on behalf of the deceased child's family. ■



# *Decisions...Decisions...Decisions...*