

One Verdict. Two First-Of-A-Kind Victories.

A Clear Message Sent To Florida Hospitals



Adam S. Hecht

When a 38-year-old mother walked into **Tampa General's Brandon Healthplex** with the worst headache of her life, the ER sent her home without a CT scan, without a neurologist, and without answers. She went home, suffered a massive stroke, and was left blind, paralyzed on her left side, with a neurogenic stutter and severe cognitive deficits.

Attorney **Adam S. Hecht** was contacted by **Ms. Stewart** in December of 2021 and worked tirelessly preparing the case for trial. Despite the five-figure pretrial offer, Hecht never doubted the justness of the cause. A Hillsborough County jury agreed, finding that the care was unacceptable. After a two-week trial, **Adam S. Hecht** and **Edward V. Ricci** secured a **\$70,832,502** medical malpractice verdict for **Chiaka Stewart**—proving that if basic ER rules had been followed and a simple CT scan ordered, her stroke and lifelong disabilities would have been prevented.

Then the real fight began.

Because Ms. Stewart was on Medicaid, the hospital and its insurers tried to slash the noneconomic damages to \$300,000 under Florida's Medicaid damage cap—a law passed in 2011 to allegedly “protect access” to care by limiting what Medicaid patients can recover for pain and suffering. For years, defenders of the cap argued that it was needed to

“incentivize” doctors to treat Medicaid patients.

Ricci formulated a first-of-its-kind constitutional challenge: in the emergency room, there is nothing to “incentivize,” because federal EMTALA and Florida's anti-patient-dumping statute already require hospitals to treat emergency patients the same, regardless of whether they have Medicaid, private insurance, or no insurance at all. In Chiaka's case, the law already said the ER had to treat her like anyone else; the Medicaid cap simply punished her for being poor.

The trial court agreed. Despite previously upholding the cap in a different case, the trial court held the Medicaid cap unconstitutional as applied to Ms. Stewart's case. Because EMTALA required Ms. Stewart to be treated, the court held the cap “cannot rationally serve any legitimate state interest.” The court refused to impose the \$300,000 cap and entered an amended judgment exceeding \$41 million to provide for Ms. Stewart's lifelong needs.

A record-setting \$70.8M verdict. A one-of-a-kind constitutional win against the Medicaid cap. And a clear message to hospitals across Florida: Medicaid patients are not second-class citizens.

Big verdicts take strength. Changing the law takes intellect. **At Searcy Denney, we bring both.**



Edward V. Ricci

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