

VERDICTS & SETTLEMENTS

PERSONAL INJURY

MEDICAL MALPRACTICE Negligence

VERDICT: Defense.

CASE/NUMBER: Juniata Greenlee, Eric Greenlee v. Raymond Leung, M.D. / VC052715.

COURT/DATE: Los Angeles Superior Norwalk / May 3, 2011.

JUDGE: Hon. Philip H. Hickok.

ATTORNEYS: Plaintiff - Craig L. Chisvin, Jessica E. Bustos (Chisvin & Associates, Santa Monica).

Defendant - Yuk K. Law (Law, Brandmeyer + Packer, LLP, Pasadena).

MEDICAL EXPERTS: Plaintiff - Vincent Valdez, M.D., pain management, Downey.

Defendant - Matthew Lotysch, M.D., neuroradiology, Los Angeles; Michael Gold, M.D., neurology, Santa Monica.

TECHNICAL EXPERTS: Plaintiff - Joanne Latham, life care planning, vocational rehabilitation, Simi Valley.

Defendant - Edward L. Bennett, M.A., vocational rehabilitation, Santa Barbara.

FACTS: In July 2007, plaintiff Juniata Greenlee, a 52-year-old flight attendant, sustained a work-related injury at the C5-6 level, with resulting neck, shoulder and upper extremity pain. She was referred to Dr. Raymond Leung by her workers compensation doctors for evaluation and treatment with cervical epidural block. Dr. Leung performed a cervical epidural block on Nov. 6, 2007 at an outpatient surgery center. During the procedure, Dr. Leung felt the needle was not in the right place, and he used contrast to obtain a fluoroscopic image that did not look appropriate to him. He withdrew the needle and

inserted a bigger gauge needle for better tactile feel, and he then administered Depo-Medrol and Marcaine into the C5-6 epidural space. Within 15 or so minutes following the procedure, plaintiff went into respiratory depression, requiring intubation and ventilation. She was extubated about 30 minutes later, and she was sent to a hospital for treatment and overnight observation. Plaintiff had not worked since the incident, and she claimed chronic pain all over her body, from her face to her feet, and the inability to use her right arm and hand. She claimed the medications were improperly injected into her spinal cord, causing a defect known as a syrinx, a space occupying lesion within the spinal cord at the C5-6 level.

At the time of trial, defendant showed sub rosa for impeachment of plaintiff.

PLAINTIFF'S CONTENTIONS: Plaintiffs contended that Dr. Leung did not have the requisite skill to perform the cervical epidural block, used an incorrect needle, and put medications into her spinal cord, when they were to be placed in the epidural space.

DEFENDANT'S CONTENTIONS: Dr. Leung contended that he was properly trained and credentialed to do cervical epidural blocks, and what happened to plaintiff was an accepted complication, in that it was the contrast used to check location of the needle that caused the syrinx. If it had been the medications, plaintiff would not have survived. Further, the syrinx was of such small size that it did not cause the injuries claimed by plaintiff.

INJURIES: Chronic pain in plaintiff's entire body, loss of the use of her right upper extremity, total disability from work, and emotional distress and mental suffering.

Plaintiff's husband had a loss of consortium claim.

DAMAGES: At least \$250,000 each for the two plaintiffs.

SPECIALS IN EVIDENCE: Future MEDS: \$541,628 LOE: \$81,891

Future LOE: \$227,303.

JURY TRIAL: Length, six days; Poll, 12-0; Deliberation, 1.5 hours.

SETTLEMENT DISCUSSIONS: Plaintiffs served a CCP 998 offer for \$1 million and thereafter demanded \$425,000. Defendant offered waiver of costs.

RESULT: Defense verdict.

OTHER INFORMATION: Defendant will serve a bill of costs.