

Preemie suffers stomach perforation from feeding tube. \$727K verdict. Los Angeles.

Summary

Premature twin infant in neonatal ICU suffers stomach perforation; feeding tube inserted at San Gabriel Valley Medical Center is blamed. Verdict reduced per MICRA.

The Case

Case Name: Oscar Wang v. AHMC San Gabriel Valley Medical Center, LP

Court and Case Number: : Los Angeles Superior Court / BC 513386

Date of Jury Verdict: Tuesday, October 14, 2014

Date Action was Filed: Tuesday, September 03, 2013

Type of Action: [Medical Malpractice](#), [Highlighted Verdicts](#)

Judge or Arbitrator(s): Hon. Lia Martin

Plaintiffs:

Oscar Wang, infant

Defendants:

AHMC San Gabriel Valley Medical Center, LP

Type of Result: Jury Verdict

The Result

Gross Verdict: \$727,351.46

Net Verdict: \$557,351.46 (after MICRA reduction of general damages).

Award as to each Defendant:

100% against AHMC San Gabriel Valley Medical Center, LP.

Economic Damages:

\$307,351.46

Trial Time: 14 days.

Jury Deliberation Time: 1 1/4 days.

Jury Polls: 11-1 Negligence, 9-3 Causation, 10-2 Damages

Post Trial Motions & Post-Verdict Settlements: Per defense counsel, a Motion for New Trial is scheduled to be heard on December 8, 2014.

The Attorneys

Attorney for the Plaintiff:

Law Offices of John S. Hinman by John S. Hinman, Long Beach.

Nezhad & Shayesteh by Shahram A. Shayesteh, Sherman Oaks.

Attorney for the Defendant:

Law, Brandmeyer + Packer by Robert Packer and Ted O'Leary, Pasadena.

The Experts

Plaintiff's Medical Expert(s):

Ron Bahar, M.D., pediatric gastroenterology, Los Angeles.

Maureen Sims, M.D., neonatology, Los Angeles.

Donna Lee Loper, R.N., neonatal nursing, San Luis Obispo.

Defendant's Medical Expert(s):

Jerry Schwartz, M.D., neonatology, Torrance.

Barry Steinmetz, M.D., pediatric gastroenterology, Long Beach.

Andrea Morris, R.N., neonatal nursing, La Habra.

Facts and Background

Facts and Background:

Oscar Wang, a twin, was born at 34 weeks on November 10, 2012 at San Gabriel Valley Medical Center. He was admitted to the neonatal intensive care unit due to prematurity. On the second day of life a nasogastric feeding tube was inserted to supplement his feedings. On the third day of life, it was identified that he had a distended

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abdomen and he was emergently transferred to Children's Hospital Los Angeles for life-saving surgery. During the surgery it was identified that he had a perforation in his stomach.

Plaintiff's Contentions:

That the stomach perforation was caused by the nasogastric feeding tube.

That San Gabriel Valley Medical Center failed to have the appropriate policies and training for its nurses relative to the use of feeding tubes. As a result, the nurses failed to properly secure the feeding tube and it was allowed to move 2 cm further into Oscar. That the nurses also failed to recognize red flags in Oscar's vital signs and feeding behavior, and failed to call the physician and discontinue his feedings shortly before the perforation was identified.

That the perforation was caused by a combination of trauma from the tube and overdistention from aggressive feedings. Had the nurses complied with the standard of care, Oscar's injury would have been avoided.

Defendant's Contentions:

That San Gabriel Valley Medical Center did not have a duty to keep updated policies or train its nurses on the use of feeding tubes because it is an everyday task for NICU nurses. That nurses complied at all times with the physician's orders and the vital signs were always within normal limits. As a result, they were not required to call a physician or discontinue feedings, and nothing in Oscar's course indicated an impending perforation in his stomach. That the perforation was spontaneous, idiopathic, and could not have been predicted or prevented. That the tube did not cause the perforation.

Injuries and Other Damages

Physical Injuries claimed by Plaintiff:

A perforation in Oscar's stomach that required a life-saving operation and 31 days of post-operative care and hospitalization at CHLA. In the two years since discharge, Oscar has continued to suffer from significant gastric reflux and constipation and he has been left with a large scar on his abdomen.

Special Damages

Special Damages Claimed - Past Medical: \$307,351.46

Demands and Offers

Plaintiff §998 Demand: \$950,000 (initial); \$549,000 (2nd)

Plaintiff Final Demand before Trial: \$299,000 (final pre-trial 998)

Plaintiff Demand during Trial: None.

Defendant §998 Offer: Waiver of costs and malicious prosecution.

Defendant Final Offer before Trial: None.

Defendant Offer during Trial: None.

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