

**CASE INFORMATION SHEET**  
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**COUNTY AND COURT:**

Volusia County Civil Court

**NAME OF CASE:**

WILMA MONDELL, as Personal Representative of the ESTATE OF DAVID  
CHARLES MONDELL, deceased,

Plaintiff,

v.

EAST COAST HOSPITAL INPATIENT SPECIALISTS, P.L.C., a Florida  
limited liability company; ASIF MIRZA, M.D.; SANTA ROSA DE LIMA  
MEDICAL, P.A., a Florida corporation; SANTIAGO CALDERON, M.D.;  
HC AMERICA, INC., a Florida corporation d/b/a HALIFAX HEALTH  
SERVICES; GEETA SAHGAL, M.D.; and FLORIDA HEALTH CARE PLAN,  
INC., a Florida corporation a/k/a FLORIDA HEALTH CARE PLANS,

Defendants.

**CASE DOCKET NO.:** 2008-10150-CIDL      **JUDGE:** Terence R.  
Perkins

**PLAINTIFF(S) ATTORNEY(S)/TRIAL COUNSEL:**

Dan Cotter, Esquire  
Melissa Powers, Esquire  
The Maher Law Firm  
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Winter Park, FL 32789

**DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL:**

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Rissman, Barrett, Hurt,  
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(For Santiago Calderon, M.D.  
and Santa Rosa De Lima  
Medical, P.A.)

Craig Foels, Esquire  
Mike Estes, Esquire  
Estes, Ingram, Foels  
& Gibbs, P.A.  
Post Office Box 4974  
Orlando, FL 32802-4974

(For East Coast Hospital  
Inpatient Specialists, PLC  
and Asif Mirza, M.D.)

C. Anthony Schoder, Esquire  
James Smith, Esquire  
Smith, Schoder & Bledsoe, LLP  
605 South Ridgewood Avenue  
Daytona Beach, FL 32114

(For Geeta Sahgal, M.D. and  
Florida Health Care Plan,  
Inc.)

**AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:**

49 year old unemployed carpenter.

**FOR WRONGFUL DEATH CASES, PLEASE GIVE AGE AND RELATIONSHIP OF SURVIVORS:**

Wilma Mondell, wife. - 47-years old;  
Amber Mondell, daughter - 15-years old;  
Blake Mondell, son - 13-years old; and  
Ciara Mondell, daughter - 11-years old.

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

August 17, 2005 to October 20, 2005.

**CAUSE OF INJURY:**

In June of 2005, Mr. Mondell sought treatment for increased low back pain. He first underwent surgery by Dr. Stephanie Lavoie, an orthopaedic surgeon, who performed an L5-S1 left laminotomy.

When Mr. Mondell continued to have pain in his left hip, Dr. Ronald Hudanich, an orthopaedic surgeon in the same practice, took over Mr. Mondell's care. X-rays showed destruction of the left hip joint. An MRI of the left hip was compatible with osteomyelitis.

Dr. Hudanich took Mr. Mondell to surgery on August 17, 2005 for a planned total left hip arthroplasty. However, Dr. Hudanich aborted the procedure due to findings consistent with osteomyelitis. Samples of bone and fluid were sent to pathology which reported findings consistent with osteomyelitis. The wound was irrigated and the wound was closed.

Dr. Asif Mirza was Mr. Mondell's hospitalist. Dr. Geeta Sahgal was Mr. Mondell's primary care physician.

Dr. Hudanich asked Dr. Santiago Calderon to consult for infectious disease issues. Dr. Calderon, a board certified infectious disease specialist, placed Mr. Mondell on a regimen of oral and IV antibiotics. A home health nurse agency visited Mr. Mondell to monitor the IV antibiotic treatment. In order to administer the IV antibiotics, Dr. Christopher Meyer, a general surgeon, placed a Groshong Catheter in the left subclavian vein.

Cultures obtained during the aborted hip procedure were reported to be negative. Dr. Calderon advised Mr. Mondell that culture negative infections do occur and that it would be prudent to continue the antibiotic treatment.

The specimens obtained during the aborted hip procedure were sent to Barnes-Jewish Hospital for an over-read. The Barnes-Jewish Hospital pathologist did not feel that there was the presence of infection in the bone. Nevertheless, Dr. Calderon continued to be cautious and ordered completion of the antibiotic regimen.

On October 3, 2005, Dr. Calderon discontinued the IV antibiotic therapy. The plan was for Mr. Mondell to be seen by Dr. Hudanich and then to return to Dr. Calderon. Dr. Calderon did not order the Groshong Catheter to be removed since there was a possibility it would need to be used if Dr. Hudanich felt additional treatment was necessary.

The patient did not go to his October 8, 2005 appointment with Dr. Hudanich. The patient also missed his October 14, 2005 appointment with Dr. Calderon. On that day, Mr. Mondell called Dr. Calderon's office and reported that the catheter was broken.

Dr. Calderon ordered the home health nurses to visit Mr. Mondell and to evaluate the situation. The nurse reported that the line was not functioning, so Dr. Calderon told Mr. Mondell to go to the emergency room at Florida Hospital Fish Memorial in Deland for removal of the catheter.

However, emergency room personnel reported that the emergency room did not have a protocol for removal of the catheter (A Groshong Catheter is tunneled a certain depth under the surface of the skin.) The nurses and emergency room physician found no evidence of infection of the catheter.

On Monday, October 17, 2005, Dr. Calderon saw Mr. Mondell in his office. He examined the patient and saw no evidence of infection. He then told the patient to go see Dr. Christopher Meyer so that Dr. Meyer could remove the catheter. Dr. Calderon wrote a prescription for removal of the catheter and faxed it to Dr. Meyer's office. Dr. Calderon then called Dr. Meyer and spoke to him about the need for removal of the catheter.

However, Mr. Mondell did not go see Dr. Meyer for removal of the catheter. Mrs. Mondell testified that when they contacted Dr. Meyer, they learned he was on vacation on October 17, 2005.

Dr. Christopher Meyer was deposed and he confirmed that he was, in fact, in his office seeing patients on October 17, 2005. He testified that he would have worked the patient in if he had shown up.

That testimony from the defendants' infectious disease expert was that had the catheter been removed on October 17, 2005, Mr. Mondell would not have become infected and he would not have died.

On October 19, 2005, Mr. Mondell was seen at the Fish Memorial emergency room. He was complaining of severe low back pain. He was examined and there was no sign of infection. He was prescribed Morphine and discharged.

**NATURE OF INJURY:**

On the following day, October 20, 2005, Mr. Mondell was brought to the Fish Memorial emergency room by ambulance. He had a fever and was hypotensive. The patient was admitted to the hospital and was diagnosed with septic shock and acute renal failure. The Groshong Catheter tip was cultured and grew out staphylococcal aureus. The patient sustained a cerebellar

infarct and right frontal and parietal lesions. The patient then developed endocarditis. On November 14, 2005, a code was called and the patient was unable to be resuscitated.

During the terminal hospitalization, Dr. Calderon asked Mrs. Mondell why her husband had not gone to see Dr. Meyer. Mrs. Mondell admitted that she did not take her husband to see Dr. Meyer because of the co-payment they would have been obligated to pay.

**PLAINTIFF'S EXPERT WITNESSES:**

Richard Berg, M.D.  
Baltimore, Maryland  
Infectious Disease

Dr. Richard Berg testified that Dr. Calderon did not take steps to timely remove the Groshong Catheter. He felt that all of the defendants did not adequately investigate the cause of Mr. Mondell's inflammatory arthritis. He believed it was inadequate for Dr. Calderon to send the patient to the emergency room for removal of the catheter.

At trial, Dr. Calderon explained to the jury that he had a good reason to believe the emergency department would be able to have someone remove the catheter since he had requested the emergency department to do so in the past on multiple occasions. On those occasions the catheter was removed and the patient was sent home.

Henry Smoak, M.D.  
Indian Rocks, Florida  
Emergency Medicine/Internal Medicine

Dr. Henry Smoak testified that Dr. Mirza and Dr. Sahgal failed to ensure that an MRI was taken during the June 9, 2005 hospitalization.

Frederick Raffa, Ph.D.  
Orlando, Florida  
Economist

Dr. Fred Raffa calculated the alleged economic damages.

**DEFENDANT'S EXPERT WITNESSES:**

Larry Bush, M.D.  
Atlantis, Florida  
Infectious Disease

Dr. Larry Bush testified that Dr. Calderon complied with the standard of care in his treatment of Mr. Mondell. It was reasonable to leave the catheter in in case there was the need for future antibiotic treatment. It was reasonable for Dr. Calderon to send the patient to the emergency room. It was reasonable to send the patient to see Dr. Meyer for removal of the catheter. Mr. Mondell failed to obey his physician's instructions. The patient was not infected until October 20, 2005.

David Feinbloom, M.D.  
Boston, Massachusetts  
Internal Medicine/Hospitalist

Dr. David Feinbloom testified that Dr. Mirza met the standard of care.

Anthony Barile, M.D.  
Melbourne, Florida  
Infectious Disease

Dr. Anthony Barile testified that any bacteria which had been present in the hip at the time of the aborted hip procedure was not the infection that caused the patient to become septic and die. He agreed that there was no sign nor symptom of infection throughout the month of October until October 20, 2005.

Richard Hays, M.D.  
Wellington, Florida  
Family Medicine

Dr. Richard Hays testified that Dr. Geeta Sahgal met the applicable standard of care.

Christopher Meyer, M.D.  
Deland, Florida  
General Surgery

Dr. Christopher Meyer confirmed that he was seeing patients in his office on October 17, 2005, the day that Dr. Calderon told

Mr. Mondell to go see Dr. Meyer to have the catheter removed. Dr. Meyer testified that had Mr. Mondell arrived at his office he would have worked in the patient and removed the catheter.

Ronald Hudanich, M.D.  
Lake Mary, Florida  
Orthopaedic Surgery

Dr. Ronald Hudanich testified regarding his treatment of the patient. He testified that Dr. Calderon and all of the physicians complied with the applicable standard of care.

**CHECK APPROPRIATE SPACE:**      X   Verdict

**DATE OF VERDICT:**

May 13, 2011

**VERDICT:**

Defense verdict for all three defendants.

**COMPARATIVE NEGLIGENCE:**

Not applicable.

**JUDGMENT:**

Not entered. The parties agreed that Plaintiff would not pursue any post trial motions in exchange for Defendants' agreement not to pursue fees and costs against the Estate.

**DATE OF JUDGMENT:**

Not applicable.

**DEFENDANT'S OFFER:**

No offer was made on behalf of Dr. Calderon.

**PLAINTIFF'S DEMAND:**

During closing, Plaintiff requested the jury to award at least \$3 million in damages.

