

CASE INFORMATION SHEET
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COUNTY and COURT: Okaloosa County Circuit Court

NAME OF CASE:

Marcia Barrington, as personal representative for the estate of Gordon R. Barrington (Plaintiff) v. Michael W. Haney, M.D. and Michael W. Haney, M.D., P.A. (Defendant)

CASE/DOCKET NO.: 930CA-409 JUDGE: Honorable Jere Tolton

PLAINTIFF ATTORNEY/TRIAL COUNSEL:

Todd M. LaDouceur, Esq.
Johnson, Green, Miller & LaDouceur
6850 Caroline Street
Milton, Florida 32570

DEFENDANT ATTORNEYS/TRIAL COUNSEL:

Vance R. Dawson and Jennings L. Hurt III
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
201 E. Pine Street, Suite 1500
Orlando, Florida 32801

AGE/SEX/OCCUPATION OF PLAINTIFF or DECEDENT:

Gordon Barrington, 73 year old white male, deceased.
Retired legislative advocate for Delta Airlines

For WRONGFUL DEATH cases, please give age and relationship of survivors:

Marcia Barrington, surviving spouse, age 75.

DATE, TIME, and PLACE OF ACCIDENT or OCCURRENCE:

November 15, 2000 at Fort Walton Beach Medical Center in Fort Walton Beach, Florida

CAUSE OF INJURY:

Gordon Barrington was admitted to Fort Walton Beach Medical Center on November 15, 2000 for a Transurethral Resection of the Prostate (TURP) which was to be performed by his urologist, Dr. Robert Long, as well as an incisional hernia repair to be performed by defendant, Dr. Michael Haney, a general surgeon.

The patient underwent these two surgeries in the order referenced on November 15, 2000 and remained hospitalized for the

next two days. The patient was evaluated by both Drs. Long and Haney on November 16, 2000 and, on the next day, November 17, 2000, the patient was evaluated by Dr. Long who conducted a complete physical assessment of the patient. The patient's vital signs were stable during this two day period of time as testified to by nurses Debra Haupt and Jennifer Karsnak.

Dr. Long discharged the patient on November 17, 2000, at which time Mr. Barrington's vital signs were stable. Dr. Haney was in surgery at another facility at the time of this discharge. Dr. Haney was contacted via telephone, and was advised by the discharge nurse, Jennifer Karsnak, that the patient was stable, that Dr. Long had conducted an examination of the patient and the patient was subject to discharge.

Dr. Haney told Karsnak that he could not see the patient until later on that afternoon of November 17, 2000 but if Dr. Long wanted to discharge the patient, it was okay with Dr. Haney. Parenthetically, it should be noted that it was Dr. Long's (TURP) procedure which required the patient to be admitted to the hospital. If the TURP had not been performed, Dr. Haney's procedure would not have required overnight hospitalization. Furthermore, Dr. Robert Long was the attending and admitting physician and so he had full authority and competence to discharge the patient.

Marcia Barrington testified her husband, Gordon Barrington, was fine on November 17 and 18 of 2000. In fact, the patient's wife testified that Mr. Barrington was "pain-free" on the evening of November 18, 2000.

On the morning of November 19, 2000, the patient experienced sudden onset of severe pain in his abdomen which prompted him to ask his wife to contact an ambulance. Mr. Barrington was transported by a friend immediately to the Destin Urgent Care Facility where he was evaluated and ultimately admitted to Fort Walton Beach Medical Center at about 1:00 p.m.

The patient's abdomen was assessed immediately by Dr. Haney who admitted the patient. The patient underwent a C.T. scan in the early morning hours of November 20, 2000 at approximately 2:30 a.m. and underwent surgery at 6:00 a.m.

At surgery, Dr. Haney discovered that the patient had a small perforation which was thought to be secondary to one of the spiral tacks which was used to attach the gortex mesh to the underside of Mr. Barrington's abdomen.

NATURE OF INJURY:

Death on March 7, 2001 secondary to acute respiratory distress syndrome caused by sepsis and perforated small intestine and peritonitis.

PLAINTIFF'S EXPERT WITNESSES

George DeNoto III, M.D.
General Surgery
Manhasset, New York

Dr. DeNoto's opinion was that the mechanism for injury (perforation) was caused either by the blind insertion of the trochar in the right upper quadrant by Dr. Haney or the use of endoshears.

Dr. DeNoto's criticisms of Dr. Haney were:

(1) Dr. Haney should have performed an open cut down with respect to this procedure and used a Hasson trochar and an opti-view lens in order to observe his work;

(2) Dr. Haney was negligent for failing to recognize the postoperative signs and symptoms associated with a perforation on November 15, 16 and 17, 2000;

(3) Dr. Haney delayed treatment of the patient on November 19, 2000 when Mr. Barrington was readmitted to the hospital at approximately 1:36 p.m. which caused a delay in the treatment. Dr. Haney was also negligent for having ordered a CT scan at midnight which further delayed the laparotomy which should have been performed;

(4) Dr. Haney was negligent when he used a suture to close the enterotomy, but instead should have performed an end-to-end anastomosis which would have had a greater likelihood of success and only a 1% likelihood of failure. As it stood the suture closure had a 30% chance of reopening and leaking again; and

(5) Dr. Haney should not have performed the surgery on February 8, 2001 in order to treat the patient's bleeding ulcer, but rather, an endoscopy should have been attempted first.

DEFENDANT'S EXPERT WITNESSES:

Robert F. Rubey, M.D.
General Surgery
Pensacola, Florida

Dr. Rubey was supportive of Dr. Haney's standard of care and stated the technique used for incisional hernia repair was proper. Dr. Rubey opined an open cutdown technique as suggested by Plaintiff's expert is only one choice of many approaches available to a surgeon and it was not deviation from standard of care to use a Veress needle to accomplish insufflation on a patient with adhesions.

Dr. Rubey stated the perforation probably occurred on the morning/mid afternoon of November 19, 2000. Certainly the perforation did not occur on November 15, 2000 because the plaintiff's course during his admission until discharge on November 17 did not suggest an intra abdominal catastrophe.

The patient's vital signs were stable during the admission of November 15-17, 2000. The patient was seen by Drs. Haney and Long on November 15 and 16, 2000 as well as by round the clock nurses who were well-trained to evaluate a surgical abdomen.

Additionally on November 17, 2000, Dr. Long discharged the patient after he conducted a full physical evaluation of Mr. Barrington. Dr. Haney was in surgery at another hospital when the patient was discharged by Dr. Long.

The patient's wife testified that her husband was fine at home after discharge and before November 19, a period of approximately 40 hours. Ms. Barrington testified her husband was pain free the evening of November 18, 2000. Upon awakening that morning of November 19, 2000 was when he first started complaining of severe pain.

Dr. Rubey opined Dr. Haney did not cause the plaintiff's perforation on November 15, 2000 and that the perforation probably occurred as a result of one of the spiral tacks which had been used to attach the mesh to repair the hernia.

CHECK APPROPRIATE SPACE: Verdict

DATE OF VERDICT: July 21, 2006

VERDICT: Defense Verdict

COMPARATIVE NEGLIGENCE: N/A

JUDGMENT: In favor of Dr. Michael Haney, M.D. and Michael Haney, M.D., P.A.

DATE OF JUDGMENT: August 11, 2006

PLAINTIFF'S DEMAND: \$2,000,000

DEFENDANT'S OFFER: None

ATTORNEY'S COMMENTS:

A high/low agreement was reached on the afternoon of Friday, July 21, 2006 as the jury began to deliberate. The agreement outlined was that the high would be one million dollars and the low would be zero dollars. In consideration for the high-low agreement, both parties agreed to waive any motion for new trial and/or appellate review.

Submitted By: Vance R. Dawson, Esquire and
Jennings L. Hurt III, Esquire Date: 10/23/06

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