

CASE INFORMATION SHEET
FLORIDA LEGAL PERIODICALS, INC.
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COUNTY AND COURT:

Orange County Circuit Court

NAME OF CASE:

LAURIE JOHNSON,

Plaintiff,

v.

ORLANDO REGIONAL MEDICAL CENTER, ORLANDO REGIONAL HEALTHCARE
SYSTEMS, INC. and HOWARD SMITH, M.D.,

Defendants.

CASE DOCKET NO.: 2006-CA-6827 **JUDGE:** Julie H. O'Kane

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

Victor H. Womack, Esq.
Victor H. Womack, P.A.
7700 N. Kendall Drive
Suite 708
Miami, FL 33156

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

Jennings L. Hurt III, Esq. and
Richard S. Womble, Esq.
Rissman, Barrett, Hurt, Donahue
& McLain, P.A.
P.O. Box 4940
Orlando, FL 32802-4940

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Laurie Johnson is a 44-year old female, formerly employed as an insurance claim representative.

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

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

January 23, 2004 admission to Orlando Regional Medical Center

CAUSE OF INJURY:

Plaintiff, Laurie Johnson, was prescribed Bactrim, a sulfa-based medication on December 23, 2003, by Dr. Carlos Dominguez, her primary care physician. Ms. Johnson sustained an allergic reaction to the sulfa and began to manifest changes in her skin. Nevertheless, the primary care physician prescribed another regimen of Bactrim on January 5, 2004.

Laurie Johnson then developed a full-blown reaction to the sulfa. Her skin became red, scaly and weepy. She began to develop systemic symptoms such as elevated liver enzymes.

After several emergency room visits and an admission to Central Florida Regional Hospital on January 18, 2004, Laurie Johnson was transferred on January 23, 2004 to the burn unit at Orlando Regional Medical Center. She was evaluated by Howard Smith, M.D., the director of the burn unit.

Although the patient had been transferred with a presumed diagnosis of Stevens-Johnson syndrome, Dr. Howard Smith concluded that the patient did not have severe enough symptoms to warrant a diagnosis of Stevens-Johnson syndrome. Instead, Dr. Smith believed that the patient was experiencing a simple drug reaction and could be cared for on the medical/surgical floor. Thus, Laurie Johnson was transferred out of the burn unit to the medical/surgical floor.

Plaintiff alleged multiple theories. Plaintiff alleged that Dr. Smith should not have transferred the patient to the medical/surgical floor. Plaintiff contended that the level of care in the burn unit was higher and had she remained in the burn unit her peripheral neuropathy would not have occurred.

Plaintiff alleged that the level of nutrition administered to the patient was inadequate and contributed to the development of her injuries. Plaintiff contended that the nursing care was inappropriate and contributed to the cause of her injuries.

Plaintiff developed a peripheral sensory neuropathy in her hands and feet confirmed by EMG testing. Testimony at trial was in conflict as to when the neuropathy began and what was the cause or causes of the neuropathy.

The defense demonstrated that it was appropriate for the patient to be treated on the medical/surgical floor because she did not have true Stevens-Johnson syndrome. The nurses were experienced in providing the type of skin care that was needed for the patient. Contrary to the plaintiff's assertion, the plaintiff received adequate nutrition during her hospital stay.

NATURE OF INJURY:

Ms. Johnson developed a lack of sensory nerve function in her hands and feet. She contended that she was unable to work due to the effects of the neuropathy. She claimed that she had a lack of manual dexterity, including problems walking and driving. Plaintiff contended that she was totally disabled.

Plaintiff claimed her extended hospital stay and poor nutrition caused her to develop peripheral neuropathy as a result of "neuropathy of critical care". Defendants proved the extended stay was necessary and reasonable and that the nutrition provided was appropriate.

Defendants proved Ms. Johnson was complaining of numbness and tingling before admission according to her boyfriend. Further, on January 29, 2004, seven days after admission, Dr. Rosario prescribed Neurontin for burning pins and needle sensations.

These last two factors indicated the patient had a Bactrim induced drug reaction in place before admission and before the extended hospitalization, alleged lack of nutrition and sepsis could have been factors.

While it was uncontested that Plaintiff had sustained a peripheral neuropathy, the degree of dysfunction in her daily life was at issue. Plaintiff claimed that she was rarely able to drive and that she rarely frequented a local Circle K convenient store.

The defense produced witnesses from the Circle K convenience store who testified that Plaintiff frequently drove to the Circle K store and spent hours in the store playing scratch-off

lottery tickets. They never observed Ms. Johnson dropping any items or demonstrating that she was in any type of pain.

PLAINTIFF'S EXPERT WITNESSES:

John Dawson, M.D. (burn unit specialist)
Milton, FL

Dr. Dawson is a former burn unit physician. He testified that Dr. Howard Smith deviated from the standard of care in transferring the patient to the medical/surgical floor.

Didier Cros, M.D. (neurologist)
Boston, MA

Dr. Cros testified that the patient's peripheral neuropathy was caused by her extended hospital stay, extended care and lack of adequate nutrition.

Anita Lasswell, Ph.D. (nutritionist)
Vero Beach, FL

Dr. Lasswell testified that the patient's nutrition was inadequate and below the standard of care.

Lou-Anne Jones, R.N. (burn unit nursing)
Phoenix, AZ

Nurse Jones testified that the nursing care provided to the patient was below the standard of care.

Bernard Pettingill, Ph.D. (economist)
Palm Beach Gardens, FL

Dr. Pettingill testified regarding the economic losses of plaintiff.

DEFENDANT'S EXPERT WITNESSES:

Paul Auwaerter, M.D. (infectious disease)
Lutherville, MD

Dr. Auwaerter testified that Dr. Howard Smith and the nurses complied with the standard of care and that the peripheral neuropathy was due to the Bactrim induced drug reaction and not Ms. Johnson's extended hospitalization.

David Mazingo, M.D. (burn unit specialist)
Gainesville, FL

Dr. Mazingo testified that Dr. Howard Smith met the standard of care and that plaintiff's peripheral neuropathy was not due to her extended stay at Orlando Regional Medical Center.

Annalynn Skipper, Ph.D. (nutritionist)
Oak Park, IL

Dr. Skipper testified that the nutrition provided to the patient was appropriate and within the standard of care.

Carolyn Brackett, Pharm.D. (pharmacologist)
Columbus, OH

Dr. Brackett testified that there was no cross-sensitivity between Bactrim and Lasix, a drug that was given to the patient during her hospitalization.

Bactrim is a sulfa-based antibiotic. Plaintiff alleged Dr. Rosario wrongfully gave the patient Lasix, thus exacerbating the drug reaction. However, the molecular structures of the drugs are different since Lasix is not an antibiotic. Thus, it was appropriate to give the patient Lasix.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

April 28, 2011

VERDICT:

Defense verdict

COMPARATIVE NEGLIGENCE:

Not applicable

JUDGMENT:

Pending

DATE OF JUDGMENT:

Pending

DEFENDANT'S OFFER:

\$50,000

PLAINTIFF'S DEMAND:

\$5,000,000

ATTORNEY'S COMMENTS:

Post-trial motions are pending.

Plaintiff first filed suit against Dr. Dominguez for the alleged improper prescription of Bactrim. Plaintiff settled that claim for a confidential sum. During the suit against Dr. Dominguez, counsel for Plaintiff took the deposition of Dr. Howard Smith to prove his client's damages.

Counsel for Plaintiff then filed suit against Dr. Smith, Orlando Regional Healthcare Systems, Dr. Juan Torres (Infectious Disease) and Dr. Zahira Rosario (Hospitalist). Plaintiff later added Dr. Torres' nurse practitioners. Plaintiff settled her claims against the three nurse practitioners for a confidential amount.

Plaintiff also filed suit in Kansas City, Missouri against Dr. Nick Navato. In that suit, Plaintiff claimed that Dr. Navato prescribed a Sulfa based medication in June 2005 despite having knowledge that the patient was allergic to Sulfa. As a result, she had a second drug reaction and was hospitalized. That suit was settled for an undisclosed amount.

Finally, Plaintiff dismissed her claim against Dr. Torres in exchange for Dr. Torres waiving fees and costs. She then settled her claim against Dr. Rosario for a confidential amount.

Submitted Jennings L. Hurt III Date: November 18, 2011
By: Richard S. Womble

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