

CASE INFORMATION SHEET
FLORIDA LEGAL PERIODICALS, INC.
P.O. Box 3370, Tallahassee, FL 32315-3730
(904) 224-6649/(800) 446-2998 * FAX (850) 222-6266

COUNTY AND COURT:

Sumter County Circuit Court

NAME OF CASE:

SANDRA STARNER, individually, and her husband, GEORGE STARNER,

Plaintiffs,

v.

CENTRAL FLORIDA HEALTH ALLIANCE, INC. d/b/a THE VILLAGES
REGIONAL HOSPITAL and MAEN HUSSEIN, M.D.,

Defendants

CASE DOCKET NO.: 2010-CA-000967 **JUDGE:** William H. Hallman, III

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

David R. Ristoff, Esquire
Richard B. Bloom, J.D., D.O., F.A.C.O.S.
Williams, Ristoff, Proper & Bloom
New Port Richey, Florida

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

Art C. Young, Esquire
Richard S. Womble, Esquire
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
Orlando, Florida
for Dr. Hussein

Janet W. Adams, Esquire
Heidi J. Livingston, Esquire
Hill, Adams, Hall & Schieffelin, P.A.
Orlando, Florida
for The Villages Regional Hospital

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Mrs. Starner was a 62 year old female on the date of incident. She was an interior decorator.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

September 28, 2009, The Villages Regional Hospital

CAUSE OF INJURY:

Plaintiff alleged that on September 28, 2009 she was injured during the performance of an arterial blood gas (ABG) performed by hospital employee, Steve Franklin, RT, at the The Villages Regional Hospital. Plaintiff alleged that the arterial blood gas was performed negligently.

Plaintiff also alleged that Dr. Maen Hussein negligently ordered the arterial blood gas and had failed to properly order additional studies necessary to rule out a diagnosis of polycythemia vera. Plaintiff further alleged Dr. Hussein had failed to give Plaintiff proper written and informed consent before ordering the outpatient ABG.

NATURE OF INJURY:

Reflex Sympathetic Dystrophy/Complex Regional Pain Syndrome to left arm and hand.

Mr. Starner also maintained a loss of consortium claim.

PLAINTIFF'S EXPERT WITNESSES:

Dr. Morey A. Blinder

Washington University School of Medicine
St. Louis, Missouri
Hematology

Plaintiff's hematology expert, Dr. Morey Blinder, testified that the arterial blood gas was an unnecessary test and that it was below the hematological standard of care to have ordered it in an effort to rule out polycythemia. The trial court ruled that

the jury could not consider the issue of improper documentation, failure to order additional studies or the lack of informed consent, all allegations raised by Dr. Blinder in his deposition but not properly presented at trial. Specifically related to informed consent, the Plaintiff was unable to establish through the Plaintiff's testimony or otherwise that Mrs. Starner would have refused the arterial blood gas had she been properly told of its risks.

Yvonne Wigfall, RRT

Bronx, NY
Respiratory Therapist

Ms. Wigfall testified via deposition. She indicated that the hospital's respiratory therapist deviated from the standard of care in performing the arterial blood gas. Mr. Franklin allegedly was distracted by other things in the room and negligently performed the study causing injury to the radial artery.

Ms. Wigfall also testified that there was a hematoma which was caused by the arterial blood gas and that it was improperly treated by Mr. Franklin in that he did not follow the hospital's policy and procedure concerning application of pressure.

Brenda B. Mulder

Mulder & Eastridge
Tampa, Florida
Economist

Ms. Mulder estimated Plaintiff's future medical costs at \$711,164 to \$819,192.

Oregon K. Hunter, Jr., M.D.

Ocala, Florida
Life Care Plan/Physiatry

Dr. Hunter estimated Plaintiff's life care needs, including implantation of a spinal cord stimulator, Ketamine infusions and ganglion blocks.

James Moore, Licensed Psychologist

Lake Center of H.O.P.E.
Leesburg, Florida
Psychologist

Diagnosed Plaintiff with depression related to her RSD.

Arun K. Singh, M.D.

Ocala, Florida
Neurologist

Dr. Singh testified the patient had RSD related to the subject ABG.

Ashraf F. Hanna, M.D.

Florida Spine Institute
Clearwater, Florida
Pain Management

Dr. Hanna testified that Plaintiff had RSD secondary to the ABG. He also recommended Ketamine infusions for 2 to 4 weeks at \$500 per day.

Anthony F. Kirkpatrick, M.D., Ph.D.

The RSD/CRPS Treatment Center
Tampa, Florida
Anesthesiology/Pain Management

Dr. Kirkpatrick testified Plaintiff had RSD secondary to the ABG. Dr. Kirkpatrick recommended Ketamine infusions at \$7,500 per day.

DEFENDANT'S EXPERT WITNESSES:

Arnold S. Blaustein, M.D.

The Mount Sinai Comprehensive Cancer Center
Miami Beach, Florida
Hematology

Dr. Blaustein testified that Dr. Hussein's treatment was within the standard of care for a hematologist in working up a patient for referral for polycythemia.

Lawrence S. Halperin, M.D.

Orlando Orthopaedic Center
Orlando, Florida
Orthopedic Hand Surgery/RSD

Dr. Halperin performed a CME on December 6, 2012. He testified Plaintiff did not have RSD/CRPS.

L. Andrew Koman, M.D.

Wake Forest University School of Medicine
Department of Orthopaedic Surgery
Winston-Salem, North Carolina
Orthopedic Hand Surgery/RSD

Dr. Koman reviewed Plaintiff's records and surveillance and testified she did not have RSD/CRPS.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

August 26, 2013

VERDICT:

Defense verdict

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

Not yet entered

DATE OF JUDGMENT:

N/A

DEFENDANT'S OFFER:

Proposals for Settlement:

\$1,000 to Mrs. Starner by Dr. Hussein on September 26, 2012 and \$1 to Mr. Starner.

PLAINTIFF'S DEMAND:

\$3,328,755 in closing at trial.

ATTORNEY'S COMMENTS:

The jury returned a defense verdict after 70 minutes on August 26, 2013, returning a defense verdict for both Defendants.

Submitted by: Art C. Young

Date: August 28 2013

Firm: Rissman, Barrett, Hurt,
Donahue & McLain, P.A.

Address: 201 E. Pine Street
Suite 1500
P.O. Box 4940
Orlando, FL 32802-4940

Telephone: (407) 839-0120

Fax: (407) 841-9726

ACY/khi