

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:

Brevard County Circuit Court, Viera, Florida

NAME OF CASE:

MELISSA CORLEY and THOMAS CORLEY, as Co-Personal Representatives
of the Estate of TIPHANI R. CORLEY, deceased,

Plaintiffs,

v.

GARY C. DANA, M.D.; CURRIN NICHOL, M.D.; MAHMOUD MOSTAFAVI,
M.D.; MIGUEL LORENTE, M.D. and WUESTHOFF MEDICAL CENTER,

Defendants.

CASE DOCKET NO.: 05-2011-CA-57064 JUDGE: Honorable George Maxwell

PLAINTIFF ATTORNEY:

David R. Best, Esquire
Best Law Firm Florida, P.A.
Post Office Box 3306
Orlando, FL 32802

DEFENDANT ATTORNEYS:

Richard S. Womble, Esquire
Amy L. Baker, Esquire
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
Orlando, Florida

AGE/SEX/OCCUPATION OF PLAINTIFF:

The decedent Tiphani Corley was 19 on the date of her death. She was attending school to be a beauty technician.

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

Tiphani Corley was survived by her parents, Thomas and Melissa Corley.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Dr. Mostafavi cared for Ms. Corley on July 5, 2009 at Wuesthoff Medical Center. Ms. Corley died on August 15, 2009 at Shands Hospital.

CAUSE OF INJURY:

Plaintiffs sued Dr. Mostafavi for alleged medical malpractice for failing to order Tamiflu for Tiphani Corley on July 5, 2009. Ms. Corley was subsequently diagnosed with an H1N1 infection and passed away from complications of the infection.

Ms. Corley began experiencing flu-like symptoms on June 30, 2009. She presented to the emergency department of Wuesthoff Medical Center twice and her primary care physician once before returning to the Wuesthoff emergency department on July 4, 2009.

Dr. Mostafavi admitted her and ordered an influenza test, chest x-ray, antibiotics and consultations with neurology and infectious disease. Ms. Corley's care was assumed by a different attending physician on the evening of July 5, 2009 and Dr. Mostafavi did not have any further involvement in the patient's care.

Ms. Corley's condition deteriorated over the next several days. She was diagnosed with H1N1 on July 13, 2009. She was transferred to Holmes Regional Medical Center and then to Shands Hospital, where she passed away from complications of her infection on August 15, 2009.

NATURE OF INJURY:

Deceased.

PLAINTIFF'S EXPERT WITNESSES:

Finley W. Brown, Jr., M.D.
Logan Square Medical Group
2511 North Kedzie Avenue
Chicago, IL 60647
Plaintiff's Family Practice Expert

Not deposed. Dr. Brown was expected to say that Ms. Corley's primary care physician should have ordered Tamiflu.

David H. Goldstein, M.D.
1700 South Tamiami Trail
Sarasota, FL 34239
Plaintiff's Critical Care Expert

Dr. Goldstein testified that each of the defendant physicians should have ordered Tamiflu. He believed Tamiflu possibly would have prevented Ms. Corley's death if ordered by Ms. Corley's primary care physician before Dr. Mostafavi saw Ms. Corley. However, while Dr. Goldstein felt that Tamiflu **possibly** could have increased the chance of survival if ordered by Dr. Mostafavi or the subsequent treating physicians, Dr. Goldstein could not say Tamiflu **probably** would have prevented Ms. Corley's death.

Joan E. King, PhD, ACNP, ANP, FAANP
Vanderbilt University School of Nursing
340 Frist Hall
Nashville, TN 37240
Plaintiff's Nursing Expert

Not deposed. She was expected to say the Wuesthoff hospitalists should have ordered Tamiflu.

DEFENDANT'S EXPERT WITNESSES:

Paul Auwaerter, M.D.
2018 West Joppa Road
Lutherville, MD 21093
Defendant's Infectious Disease Expert

Not deposed. Dr. Auwaerter was expected to testify that Tamiflu would not have prevented Ms. Corley's death if given at the time Dr. Mostafavi saw the patient.

Jan C. Parrillo, M.D.
2863 South Delaney Avenue
Orlando, FL 32806
Defendant's Family Practice Expert

Not deposed. Dr. Parrillo was expected to testify that Dr. Mostafavi met the standard of care in regard to his treatment of Ms. Corley.

CHECK APPROPRIATE SPACE: X Summary Judgment

DATE OF SUMMARY JUDGMENT:

April 29, 2013

COMPARATIVE NEGLIGENCE:

N/A

SUMMARY JUDGMENT:

Entered.

DATE OF FINAL SUMMARY JUDGMENT:

June 4, 2014.

DEFENDANT'S OFFER:

None.

PLAINTIFF'S DEMAND:

None.

ATTORNEY'S COMMENTS:

Dr. Goldstein was forced to concede in deposition that although Tamiflu might have increased Ms. Corley's chance of survival, he could not say that Tamiflu more likely than not would have resulted in Ms. Corley's survival.

Submitted By: Amy L. Baker

Date: September 2, 2014

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

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