

CASE INFORMATION SHEET
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COUNTY AND COURT: CIRCUIT COURT, MANATEE COUNTY, BRADENTON,
FLORIDA

NAME OF CASE:

NORMA GAYLE SMITH,

Plaintiff,

v.

ANTHONY T. PIZZO, M.D. and
BRADENTON CARDIOLOGY CENTER, P.A.,

Defendants.

CASE DOCKET NO.: 2010 CA 003897 **JUDGE:** Diana Moreland
Division T

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

W. Wade Thompson, Esquire
W. Wade Thompson, P.A.
1720 Manatee Avenue West
Bradenton, FL 34205

Eric D. Bruce, Esquire
Heintz & Becker
905 Sixth Avenue West
Bradenton, FL 34205

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

RICHARD B. MANGAN, JR., ESQUIRE
R. CLIFTON ACORD, II, ESQUIRE
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
1 N. Dale Mabry Hwy
11th Floor
Tampa, FL 33609

AGE/SEX/OCCUPATION OF DECEDENT:

38/female/licensed practical nurse.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

July 23, 2008 at Bradenton Cardiology Center and Manatee Memorial Hospital.

CAUSE OF INJURY:

This was a medical malpractice case which arose out of complications from a July 23, 2008 diagnostic cardiac catheterization procedure that resulted in a code event, the subsequent placement of 10 stents in the right coronary artery, a double bypass surgery and a recommendation for a future heart transplant by plaintiff's treating cardiologist at Harvard/Massachusetts General Hospital.

The plaintiff, 38 year old Gayle Smith, sued her cardiologist Dr. Pizzo, who dissected her right coronary artery with a catheter during a diagnostic cardiac catheterization he performed in a freestanding catheter lab at Bradenton Cardiology Center. Ms. Smith alleged that Dr. Pizzo failed to appreciate the dissection and actually made it worse during a second procedure that day he performed at Manatee Memorial Hospital when he inserted another catheter into the dissection that then led to her coding and five different defibrillations to restart her heart. Ultimately coronary artery blood flow was severely impaired and an inferior wall myocardial infarction resulted.

The extent of the dissection was not diagnosed for approximately 4 days. At the time of diagnosis by Dr. Pizzo's partner, the dissection ran from the beginning to the end of the right coronary artery. Stenting of the entire right coronary artery with 10 stents was required to cover the dissection. Plaintiff also underwent a double bypass surgery, experienced heart failure and was recommended for a future heart transplant.

NATURE OF INJURY:

Right coronary artery dissection.

PLAINTIFF'S EXPERT WITNESSES:

Kim Klancke, M.D. - Interventional cardiology
Daytona Heart Group
695 North Clyde Morris Boulevard
Daytona Beach, Florida.

Dr. Klancke testified that Dr. Pizzo committed several breaches of the standard of care. These included performing a diagnostic heart catheterization instead of a CT angiogram, utilizing improper (non-coaxial) catheter positioning, utilizing inadequate contrast allergy prophylaxis, performing a diagnostic heart catheterization procedure on a patient with active chest pain in Bradenton Cardiology's freestanding lab rather than at the hospital, ordering an insufficient amount of heparin prior to the interventional procedure at Manatee Memorial Hospital, and causing a wire dissection of the entire right coronary artery during the interventional procedure at Manatee Memorial Hospital which he then misdiagnosed as vasospasm.

As a result of all of the above Mrs. Smith had a massive myocardial infarction, subsequent heart failure and a dissection that required 10 stents to repair.

William Carlson, M.D. - Noninvasive Cardiology/Heart Failure
Massachusetts General Physicians
55 Fruit Street
Boston, Massachusetts.

Dr. Carlson testified that Mrs. Smith now suffers from restrictive cardiomyopathy and heart failure based upon the results of a cardiopulmonary exercise test (CPET) performed at Massachusetts General. He also testified that she will require a heart transplant in the future.

Craig Lichtblau, M.D. - Psychiatry
550 Northlake Boulevard
North Palm Beach, Florida.

Dr. Lichtblau testified regarding Mrs. Smith's continuing care needs in support of her claim for future damages. He estimated that the cost of her continued/future medical care will be approximately \$3.5 million.

DEFENDANT'S EXPERT WITNESSES:

Andrew Taussig, M.D. - Interventional Cardiology
Central Florida Cardiology Group
1745 North Mills Avenue
Orlando, Florida.

Dr. Taussig testified that Dr. Pizzo's care of Ms. Smith met the accepted standard of care. In his opinion a diagnostic heart catheterization was indicated for Ms. Smith and was a better choice than a CT angiogram to evaluate for the existence of coronary artery disease.

Additionally, while Dr. Pizzo did in fact dissect the right coronary artery this was a recognized risk of an indicated procedure, not a breach of the standard of care. Dr. Taussig did admit that Dr. Pizzo misdiagnosed a long spiral type dissection as vasospasm but according to him this became evident only in retrospect.

Stuart Russell, M.D. - Heart Failure/Transplant Cardiology
Johns Hopkins Hospital
Heart Failure & Transplantation
1800 Orleans Street
Sheikh Zayed Tower
7th Floor, Room 71255
Baltimore, Maryland.

Dr. Russell testified that Mrs. Smith did not have restrictive cardiomyopathy and that the CPET Dr. Carlson relied upon for the diagnosis did not support it. The gold standard for diagnosing restrictive cardiomyopathy is simultaneous right and left heart catheterization which is not indicated in Mrs. Smith's case. Finally, Mrs. Smith will not require a heart transplant.

VERDICT:

For Defendants.

DATE OF VERDICT:

September 23, 2013

DATE OF FINAL JUDGMENT:

October 3, 2013

DEFENDANT'S OFFER:

\$500,000

PLAINTIFF'S DEMAND:

\$2 million prior to trial.

In closing plaintiff demanded \$4.1 million in damages.

ATTORNEY'S COMMENTS:

At the time of the incident the plaintiff was in her early 30s and worked as a LPN for Bradenton Cardiology. She never returned to work after the incident. She was earning approximately \$35,000 per year. She withdrew her wage loss claim prior to trial as her treating cardiologist at Massachusetts General, Dr. Carlson, opined on cross-examination in his video deposition for trial that Mrs. Smith could likely continue working as a LPN in a Coumadin clinic which is where she was an assigned employee of Bradenton Cardiology.

Plaintiff also withdrew her claim for non-economic damages prior to trial. She had approximately \$515,000 in past medical expenses and a life care plan prepared by Craig Lichtblau in excess of \$3 million. A consortium claim filed by the plaintiff's husband was also dismissed prior to trial.

This was a difficult case for the defense in that Dr. Pizzo and defense expert Dr. Taussig had to concede that Dr. Pizzo had caused the dissection and had failed to appreciate that it ran the distance of the entire right coronary artery until 4 days later and after the plaintiff had suffered an inferior wall MI.

**Submitted By: Richard B. Mangan, Jr., Esq. Date: November 11, 2013
R. Clifton Acord, II, Esq.**

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

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RCA/jlw