

**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:**

Circuit Court for the Ninth Judicial Circuit in and for Orange  
County, FL

**NAME OF CASE:**

CHARLES KRAZIT, as Personal Representative of the Estate of Dale  
Krazit, Deceased,

Plaintiff,

v.

J. DEAN COLE, M.D. and J. DEAN COLE, INC., a Florida  
corporation,

Defendants.

**CASE DOCKET NO.:** 2011-CA-016692-0 DIV 35

**JUDGE:** Donald A. Myers, Jr.

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

Rodney S. Margol  
David H. Margol  
Margol & Margol, PA  
2029 N. Third Street  
Jacksonville Beach, FL 32250

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

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

**AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:**

60 year-old female - Elementary School Dean

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

Charles Krazit - husband  
Andrew Krazit - 24 year old son  
Savannah Krazit - 15 year old daughter

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

September 17 & 18, 2009 - Florida Hospital Orlando

**CAUSE OF INJURY:**

Pulmonary embolus resulting from deep venous thrombosis following fifth elbow surgery on September 17, 2009 in a continued attempt to repair damage Ms. Krazit sustained to her elbow following a fracture in August 2007.

**NATURE OF INJURY:**

Ms. Krazit died on September 21, 2009 3 days after discharge from Florida Hospital on September 18, 2009.

**PLAINTIFF'S EXPERT WITNESSES:**

**Charles Landers, M.D.** - Internal Medicine/Pulmonary Medicine/Critical Care - San Diego, CA

Dr. Landers testified that the lack of DVT prophylaxis post-operatively and the fact that Ms. Krazit was sent home prematurely caused a deep venous thrombosis which lead to pulmonary embolus and death. Based upon Ms. Krazit's preoperative risk factors, including surgery, prolonged general anesthesia, weight, age, hormone therapy, and reduced mobility Ms. Krazit required DVT prophylaxis post operatively.

Dr. Landers also testified via videotape during the defense case in chief that chemical prophylaxis (Lovenox) would not be contemplated for a patient who was nauseous and vomiting on discharge. He further testified that Dr. Cole would not expect Ms. Krazit to be immobile following her discharge from the hospital. He also testified that Dr. Cole should have been

contacted by the nursing staff regarding Ms. Krazit's condition prior to discharge on September 18, 2009.

**Fredrick Raffa, Ph.D.** - Economist - Orlando, FL

Dr. Raffa prepared an economic analysis regarding Ms. Krazit's death. Mr. Krazit and his children suffered an economic loss of equivalent to \$411,106.

**Leonard Hubbard, M.D.** - Orthopedic Surgeon - Cranston, Rhode Island

Dr. Hubbard testified that Dr. Cole deviated from the standard of care for failing to provide DVT prophylaxis in the form of anti-coagulants to be instituted following Ms. Krazit's September 17, 2009 surgery on her left elbow. Dr. Hubbard opined that based upon Ms. Krazit's numerous DVT risk factors she required prophylaxis other than mobilization.

Dr. Hubbard also opined that Dr. Cole did not have a DVT prophylaxis protocol in place to care for Ms. Krazit. On cross-examination, Dr. Hubbard conceded, for the first time, that Dr. Cole in fact did have his own DVT prophylaxis form in place in Ms. Krazit's medical record.

**DEFENDANT'S EXPERT WITNESSES:**

**David System, M.D.** - Pulmonology Critical Care - Boston, MA

Dr. System testified that there was no need for mechanical or chemical prophylaxis for a patient such as Ms. Krazit who was undergoing upper extremity orthopedic surgery. Dr. System further testified that Ms. Krazit's risk factors for DVT were no different out of the hospital than they were in the hospital undergoing surgery.

Dr. System also opined that had Dr. Cole been made aware of Ms. Krazit's condition, he would not have discharged Ms. Krazit from the hospital, but rather would have reassessed her.

**George Haidukewych, M.D.** - Orthopedic Trauma Surgery - Orlando, FL

Dr. Haidukewych testified that Dr. Cole met the standard of care with regard to his plan for DVT prophylaxis for Ms. Krazit. He opined that given the nature of the surgery (upper extremity)

there was no reason for Ms. Krazit to receive chemical or mechanical DVT prophylaxis.

Dr. Haidukewych also opined that Dr. Cole should have been contacted by the nursing staff with regard to Ms. Krazit's condition on the day of discharge.

**CHECK APPROPRIATE SPACE:**         X     Verdict

**DATE OF VERDICT:**

April 10, 2015

**VERDICT:**

Defense verdict

**COMPARATIVE NEGLIGENCE:**

N/A

**JUDGMENT:**

For the defendants

**DATE OF JUDGMENT:**

Not yet entered

**DEFENDANT'S OFFER:**

Zero

**PLAINTIFF'S DEMAND:**

At trial, plaintiff demanded \$411,106 in economic damages and \$3.9 million in non-economic damages for a total of \$4,311,106.

ATTORNEY'S COMMENTS:

Submitted By: Jennings L. Hurt III                      Date: May 6, 2015

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

JLH/JAR/jhu