

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

Orange County  
Orange County Circuit Court  
425 N. Orange Ave.  
Orlando, FL 32801

**NAME OF CASE:**

KATHY THOMPSON, as Personal Representative of the Estate of  
NICHOLAS ANDREW THOMPSON,

Plaintiff,

v.

DIVYA NAVANI, M.D., and INTERNAL MEDICINE ASSOCIATES, PLC,

Defendants.

**CASE DOCKET NO.:** 2012-CA-009623      **JUDGE:** Renee A. Roche

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

Thomas E. Duffy, Jr.  
Terrell, Hogan, Ellis, Yegelwel P.A.  
233 East Bay Street  
Blackstone Building, 8th Floor  
Jacksonville, FL 32202

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

Jennings L. Hurt III  
Vance R. Dawson  
Rissman, Barrett, Hurt,  
Donahue, McLain & Mangan, P.A.  
201 E. Pine Street  
Suite 1500  
Orlando, FL 32802-4940

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

59 year-old white male who was a retired fire fighter.

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

Kathleen Thompson was the decedent's wife. There were no other survivors.

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

The case focused on care rendered by Dr. Navani, an internal medicine physician consulting on post-surgical patient, Nick Thompson, at Florida Hospital Celebration (FHC). Dr. Navani followed Mr. Thompson on October 13 - 17, 2009 after his October 13, 2009 spinal surgery performed by Dr. Robert Masson.

Soon after his spinal surgery, and while at FHC, Mr. Thompson began experiencing alcohol withdrawal syndrome on October 16, 2009 and eventually delirium tremens on October 17, 2009. Notably, Mr. Thompson did not disclose, in fact denied, his excessive alcohol consumption to every physician other than a vague reference to his anesthesiologist prior to his spinal surgery.

Only after his symptoms continued to persist did Dr. Navani learn from Mr. Thompson on October 16, 2009 that he drank excessively every day. Dr. Navani prescribed 1 mg Ativan as needed and eventually Haldol to address the symptoms of Mr. Thompson's alcohol withdrawal, which included extreme agitation and delirium tremens.

Importantly, Dr. Saif Ullah, a neurologist, was consulted and intervened in Mr. Thompson's care. Dr. Ullah substituted his orders for those of Dr. Navani's in treating Mr. Thompson's alcohol withdrawal syndrome on October 17, 2009 at 3:52 p.m. When Mr. Thompson aspirated at 3:50 a.m. on October 18, 2009, he was receiving the Ativan and Haldol dose which, by then, was ordered by Dr. Ullah.

There was an apparent failure of the nursing staff to appropriately administer the Ativan when Mr. Thompson became agitated. Furthermore, the nursing staff did not report to the physicians when Mr. Thompson developed CIWA scores (a protocol for assessing alcohol withdrawal symptoms) above 15.

Ultimately, Mr. Thompson aspirated, which caused him to go into respiratory arrest. Mr. Thompson suffered irreversible brain damage and eventually was withdrawn from life support on October 24, 2009.

Plaintiff claimed Dr. Navani failed to appropriately treat Mr. Thompson's alcohol withdrawal syndrome. Specifically, plaintiff alleged that Dr. Navani prescribed an inappropriate dose of Ativan, inappropriately prescribed Haldol, failed to obtain timely radiological studies and a gastroenterology consult for Mr. Thompson's alleged ileus, failed to timely insert a NG tube to treat the alleged ileus, failed to appropriately prescribe potassium chloride to treat low potassium and failed to order a critical care consult for the symptoms of alcohol withdrawal so that Mr. Thompson could be admitted to the ICU.

However, plaintiff did not express similar criticisms against Dr. Masson, who performed the surgery, the neurologist or cardiologist who also saw Mr. Thompson after surgery and addressed and/or treated the symptoms of alcohol withdrawal syndrome.

**PLAINTIFF'S EXPERT WITNESSES:**

Peter Gregory Terry, M.D.  
402 East 72nd Street  
20F  
New York, NY 10021

Plaintiff's expert, Dr. Peter Terry, an intensivist, was critical of the dose of Ativan and Haldol prescribed by Dr. Navani. However, Dr. Terry did not think that Dr. Ullah, who prescribed the same medications in essentially identical doses, had breached the standard of care.

Dr. Terry believed Mr. Thompson required double the dose of Ativan that had been ordered by Dr. Navani. This would have meant that Dr. Terry should have held the same opinion against Dr. Ullah. Dr. Terry also opined that Haldol was not the standard medication for alcohol withdrawal syndrome, even though it was in the CIWA protocol developed at Florida Hospital.

Further, Dr. Terry testified Mr. Thompson presented as a "medical emergency" on October 17, 2009 at 3:52 p.m. and should have been admitted to the ICU by Dr. Navani at that time yet Dr.

Terry was not critical of Dr. Ullah regarding this same alleged issue (no doubt due to Dr. Ullah being a non-party).

Despite Dr. Terry's criticisms, he never testified that had 2 mg of Ativan been given, Mr. Thompson would have survived. Dr. Terry never expressed an opinion as to what could have been done to save Mr. Thompson's life.

**DEFENDANT'S EXPERT WITNESSES:**

Michael Stevens, M.D.  
Desert Vista Medical Associates  
7534 East 2d Street  
Suite 102  
Scottsdale, AZ 85251

Dr. Stevens testified that Dr. Navani was compliant with the standard of care. Dr. Stevens explained Dr. Navani's role as a consultant. Dr. Masson, who performed the spinal surgery, was the attending physician. Dr. Navani did not become the managing physician with respect to this patient simply because she was consulted in her field of internal medicine.

Dr. Stevens testified that Dr. Navani was not the "captain of the ship" responsible for coordinating the consultants in the medical management of Mr. Thompson's care. Even though she was not the "captain", she nonetheless ordered cardiology, infectious disease and neurology consultations.

Dr. Stevens testified Dr. Navani ceded her role with respect to any alcohol withdrawal once she consulted with Dr. Ullah, a neurologist, to specifically address the patient's altered mental status. This point was substantiated when Dr. Ullah diagnosed the patient with DTs and prescribed Ativan and Haldol which effectively cancelled Dr. Navani's previous orders.

**CHECK APPROPRIATE SPACE:**    X Verdict

**DATE OF VERDICT:**

April 7, 2017

**VERDICT AMOUNT:**

Defense verdict

