

CASE INFORMATION SHEET
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COUNTY AND COURT:

Osceola County, Circuit Civil

NAME OF CASE:

CHARLES GRAPSKI JR.,

Plaintiff,

v.

OSCEOLA REGIONAL HOSPITAL, INC. d/b/a OSCEOLA REGIONAL MEDICAL
CENTER,

Defendant.

CASE DOCKET NO.: 2017-CA-2488 **JUDGE:** Hon. Margaret Schreiber

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

Michael K. Bailey
Fay Pappas
Bailey Fisher, PLLC
1400 W. Fairbanks Avenue
Suite 101
Winter Park, FL 32789-4880

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

Jennings L. Hurt III
Jeremy T. Palma
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
201 E. Pine Street
15th Floor
Orlando, FL 32801
Attorneys for Osceola Regional Medical Center

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Plaintiff, Charles Grapski, was 82 years-old when he presented to Osceola Regional Medical Center (ORMC) on March 28, 2015. Mr. Grapski was not employed at the time of the subject medical treatment.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

The case focused on care rendered by nurse, Veena Taggar, on March 29, 2015 at ORMC.

CAUSE OF INJURY:

This was a medical malpractice case arising out of Mr. Grapski's presentation to ORMC on March 28, 2015. Mr. Grapski was admitted to the hospital for complaints of dizziness and weakness related to anemia.

Plaintiff claimed that Ms. Taggar deviated from the standard of care while plaintiff was using a bedside commode on March 29, 2015. Plaintiff alleged that Ms. Taggar should have remained within arm's length of Mr. Grapski and kept him within her line of sight during the time that he was on the bedside commode having a bowel movement.

After Mr. Grapski was assisted by a CNA to the bedside commode, Ms. Taggar remained in the hospital room. Ms. Taggar was working at the computer terminal in the room when Mr. Grapski fell forward off of the bedside commode. Mr. Grapski struck his head on the floor. He sustained a cervical spine injury which led to central cord syndrome and weakness on the right side of his body.

NATURE OF INJURY:

Cervical spine injury which caused central cord syndrome and the need for surgery. The nature and extent of the injury was not disputed at trial.

PLAINTIFF'S EXPERT WITNESSES:

Mary Jane Smith, R.N. - Nursing
216 Cherokee Road
Pittsburgh, PA 15241

Mary Jane Smith, R.N. was plaintiff's nursing expert who testified as to standard of care. Ms. Smith had two overarching standard of care criticisms of Ms. Taggar. Ms. Smith said that Ms. Taggar should have remained within arm's length of Mr. Grapski while he was using the bedside commode. Ms. Smith also said that Ms. Taggar should have kept Mr. Grapski within her line of sight while Mr. Grapski was using the bedside commode.

Ms. Smith testified that had Ms. Taggar been within arm's length of Mr. Grapski and kept him within her line of sight, Ms. Taggar would have been able to prevent Mr. Grapski from falling to the ground. Ms. Smith testified that the hospital's fall prevention plan required Ms. Taggar to remain within arm's length of Mr. Grapski while he was on the bedside commode.

The hospital's fall prevention plan documented that a staff member must remain with the patient when assisted to the bathroom. Ms. Smith assumed that meant remaining within arm's length of the patient.

Christopher Leber, M.D. - Vocational Rehabilitation
Southeastern Rehabilitation Medicine
4343 West Newberry Road
Suite 14
Gainesville, FL 32607

Dr. Leber was plaintiff's life care planner. Dr. Leber testified that Mr. Grapski would incur future medical expenses in the amount of \$1,815,915. Dr. Leber was of the opinion that plaintiff would incur those medical expenses during the remaining four years of his life.

Dr. Leber also performed a compulsory medical examination. Dr. Leber was of the opinion that Mr. Grapski sustained a permanent injury in his cervical spine which led to central cord syndrome. Dr. Leber testified that Mr. Grapski would have deficits on his right side for the remainder of his life.

DEFENDANT'S EXPERT WITNESSES:

Janet Jesiolowski, R.N. - Nursing
1648 Westwind Drive
Jacksonville Beach, FL 32250

Ms. Jesiolowski testified that Ms. Taggar complied with the standard of care on March 29, 2015. Ms. Jesiolowski said that there was no reason for Ms. Taggar to remain within arm's length

and keep Mr. Grapski within line of sight while Mr. Grapski was having a bowel movement on the bedside commode.

Ms. Jesiolowski testified that Ms. Taggar complied with the standard of care by remaining in the room with Mr. Grapski while he was using the bedside commode. Ms. Jesiolowski said that as long as Ms. Taggar was engaging in nursing duties in the room while Mr. Grapski was using the bedside commode, Ms. Taggar complied with the nursing standard of care.

CHECK APPROPRIATE SPACE: X Verdict

VERDICT:

Defense verdict

DATE OF VERDICT:

December 17, 2018

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

For defendant, Osceola Regional Medical Center.

DATE OF JUDGMENT:

February 1, 2019

DEFENDANT'S OFFER:

Proposal for Settlement served September 14, 2018 in the amount of \$100,000.

PLAINTIFF'S DEMAND:

In closing argument, plaintiff requested \$2,170,239.97 for past medical expenses. Plaintiff requested \$1,815,915 for future medical expenses. Plaintiff requested \$800,000 for pain and suffering, for a total of \$4,786,154.97.

ATTORNEY'S COMMENTS:

The jury deliberated for 3 hours, 8 minutes before returning a defense verdict.

Submitted By: Jennings L. Hurt III **Date:** February 13, 2019
Jeremy T. Palma

Firm: Rissman, Barrett, Hurt,
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