

CASE INFORMATION SHEET
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COUNTY AND COURT:

CIRCUIT COURT, HERNANDO COUNTY, BROOKSVILLE, FLORIDA

NAME OF CASE:

KEVIN ELG, as Personal Representative of the Estate of LYNN ANN ELG, deceased,

v.

MARY M. LI, M.D., PH.D. and FLORIDA CANCER SPECIALISTS, P.L.,
d/b/a FLORIDA CANCER SPECIALISTS & RESEARCH INSTITUTE.

CASE DOCKET NO.: 17-CA-001006

JUDGE: Donald Scaglione

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

David G. Eaton
Eaton Law Firm
14812 North Florida Avenue
Tampa, FL 33613

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

R. Clifton Acord II
Eric Ochotorena
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
1 N. Dale Mabry Hwy.
11th Floor
Tampa, FL 33609
Attorneys for Mary Li, M.D., Florida Cancer Specialists and
Florida Cancer Specialists & Research Institute

AGE/SEX/OCCUPATION OF THE PLAINTIFF:

Kevin Elg, as Personal Representative of the Estate of Lynn Elg and surviving spouse under the wrongful death act. Mr. Elg is 64 years old.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

March 15, 2016

CAUSE OF INJURY:

This was a 4 day medical malpractice case which arose out of the death of Lynn Elg due to an alleged delay in diagnosing and treating thrombotic thrombocytopenic purpura (TTP) with plasma exchange.

Ms. Elg was a breast cancer patient at Florida Cancer Specialists being followed by Dr. Tom Tang. Dr. Tang diagnosed her with TTP in November 2015 and treated her with plasma exchange at Oak Hill Hospital, which resulted in improvement of her symptoms.

While covering for Dr. Tang on March 15, 2016, Dr. Mary Li received a call from the Oak Hill Hospital emergency department advising her that Ms. Elg was there with symptoms similar to those she presented with in November 2015. Dr. Li attributed her symptoms to recent chemotherapy for breast cancer treatment and according to the emergency department records, Dr. Lia advised that admission to the hospital was not warranted. Ms. Elg was discharged based on Dr. Li's advice.

There was disputed evidence at trial as to whether Dr. Li was made aware of the prior diagnosis of TTP, but all experts agreed that if she was made aware of the diagnosis, the standard of care required admission to the hospital which would have, more likely than not, led to a diagnosis of relapsed TTP.

Three days later Ms. Elg returned to the hospital with no improvement of her symptoms. She went into respiratory failure in the emergency department and was admitted to the hospital. She was subsequently diagnosed with TTP and treated unsuccessfully with plasma exchange. She died on March 22, 2016. The death certificate signed by Dr. Tang listed TTP as one of the causes of death. Plaintiff argued that an earlier TTP diagnosis and treatment with plasma exchange would have

successfully treated the disease because the treatment in November 2015 was successful.

The defense was that the standard of care did not require admission to the hospital on March 15, 2016 based upon the documentation in the ER record. Additionally, Ms. Elg died from complications of breast cancer, not TTP.

NATURE OF INJURY:

Death.

PLAINTIFF'S EXPERT WITNESSES:

Andrew Schneider, M.D. - Hematology and Oncology
7351 West Oakland Park Boulevard, #101
Tamarac, FL 33319

Dr. Schneider testified that Dr. Li deviated from the standard of care by failing to admit Ms. Elg to the hospital on March 15, 2016 to be worked up for TTP just as she had in November 2015. In addition, admission and workup for TTP would have, more likely than not, led to a diagnosis of relapsed TTP, treatment with plasma exchange and survival.

DEFENDANTS' EXPERT WITNESSES:

Maxim Norkin, M.D., Ph.D. - Hematology and Oncology
University of Florida College of Medicine
Division of Hematology/Oncology
1600 SW Archer Road
Gainesville, FL 32610

Dr. Norkin testified that Dr. Li did not have an obligation to recommend admission to the hospital on March 15, 2016. In addition, even if she had admitted Ms. Elg and presumably diagnosed her with TTP, she would not have responded favorably to plasma exchange. In his opinion the cause of death was complications of breast cancer rather than an alleged delay in diagnosing and treating relapsed TTP.

VERDICT:

Defense verdict.

DATE OF VERDICT:

April 25, 2019.

FINAL JUDGMENT:

For defendants.

DATE OF FINAL JUDGMENT:

May 7, 2019.

DEFENDANTS' OFFER:

\$0.

PLAINTIFF'S DEMAND:

Plaintiff's counsel suggested to the jury in closing argument that they should award \$250,000 a year for each year they concluded Ms. Elg would have survived had she been properly diagnosed and treated.

ATTORNEY'S COMMENTS:

None.

Submitted By: R. Clifton Acord, II Date: June 11, 2019
Eric Ochotorena

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