

Missouri Lawyers WEEKLY

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Jury awards \$6.4 million in med-mal case

Man's wife implored doctor to admit husband to hospital



Patrick J. Hagerty



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A St. Louis County jury awarded \$6.4 million to a man and his wife after he was left seriously damaged by a stroke, which he alleged his doctor should have foreseen.

The verdict is among the largest medical malpractice awards in the state, according to Missouri Lawyers Weekly's Verdicts and Settlements database. The award includes \$5,794,000 for the man's past and future medical, economic and noneconomic damages and \$610,000 for his wife's loss of consortium.

Jeffrey L. Schneider, of St. Louis County, first visited Dr. Joseph Thompson, of SSM DePaul Medical Group, in 1996, according to Schneider's complaint. Thompson noted a heart murmur and sent Schneider for an echocardiogram, which revealed that he also had mitral valve prolapse.

Over the years, Schneider continued to see Thompson for annual checkups and other visits. Despite the murmur and the mitral valve prolapse, he was generally healthy, said his attorney, Patrick J. Hagerty, of Gray, Ritter & Graham.

Thompson sent Schneider for another echocardiogram in 2001, which confirmed the mitral valve prolapse diagnosis from 1996, the complaint says. It was never mentioned in any of Schneider's charts after 2002, and Thompson never referred Schneider to a cardiologist.

In 2007, Schneider began to show symptoms of serious illness. The complaint says he lost weight and lost his appetite and suffered from fatigue. The complaint said that Schneider complained to Thompson of feeling "like I am dying."

Thompson sent Schneider to a lab for blood tests. He also referred his patient to other doctors for a panendoscopy/upper endoscopy and colonoscopy, as well as for bone marrow tests. He did not refer Schneider to a cardiologist or order any examination of his patient's heart.

While waiting for the bone

marrow test results, the complaint says, Schneider's wife, Connie Schneider, called Thompson and implored him to admit her husband into the hospital in light of his worsening condition. He did not.

In June 2007, Schneider had an acute stroke.

"It left his right side effectively paralyzed," Hagerty said in an interview. "He had to relearn everything, the use of the hand and foot. He has no short-term memory left."

The complaint, filed in June 2011, alleges that Thompson and SSM DePaul Medical Group were medically negligent and were responsible for Schneider's loss of chance of recovery and for Connie Schneider's loss of consortium.

The complaint says Thompson and the hospital negligently and carelessly failed to manage his heart condition or note it properly in his charts over the years.

Maureen O. Bryan, of Armstrong Teasdale, who represented the doctor and the hospital according to online records, did not return calls and an email seeking comment on the case. Timothy J. Gearin, also of Armstrong

Teasdale and also representing the defense, left a voicemail in response to messages left with Bryan but did not return subsequent calls.

The answer and affirmative defenses filed by both the doctor and the hospital, though, say that "any and all injuries, suffered by the Plaintiffs, the fact of which is expressly denied by this Defendant, were the direct and proximate result of allergies, sensitivities, medical conditions, reactions and/or idiosyncrasies peculiar to Plaintiffs which were unknown, unknowable and were not reasonably foreseeable to this Defendant, and not as a director or proximate result of wrongful or negligent conduct on the part of this Defendant."

"He was a good wage earner, worked at the Federal Reserve Bank of St. Louis," Hagerty said. Schneider was 53 at the time of his stroke.

Hagerty said jurors deliberated for about 10 hours on July 3, asking the judge late that evening if they could come back Friday, the day after the July Fourth holiday. They issued their verdict at about 2:30 that afternoon. **MO**

\$6,404,000 Verdict

MEDICAL MALPRACTICE

■ **Venue:** St. Louis County Circuit Court

■ **Case Number/Date:** 11SL-CC02366/July 5, 2013

■ **Judge:** Steven H. Goldman

■ **Plaintiffs' Experts:** Joseph Scherger, La Quinta, Calif. (family practice), Gary Salzman, Kansas City (internal medicine), Daniel Wohlgelemler, Santa Monica, Calif. (cardiology).

■ **Defendants' Experts:** John Daniels, St. Louis, (internal medicine/endocrinology), Christopher Veremakis, St. Louis, (internal medicine/critical care), Michael Gelfand, Memphis, Tenn. (infectious disease), Kim Klancke, Daytona Beach, Fla. (cardiology).

■ **Special Damages:** For Jeffrey Schneider: Past economic damages including medical, \$1,250,000. Past non-economic damages, \$550,000. Future medical damages, \$1,154,000. Future economic damages, excluding future medical damages, \$1,840,000. Future non-economic damages, \$1,000,000. For Connie Schneider: Past non-economic damages, \$250,000. Future non-economic damages, \$360,000.

■ **Caption:** Jeffrey L. Schneider and Connie Schneider v. Joseph Thompson D.O. and SSM DePaul Medical Group Inc.

■ **Plaintiffs' Attorneys:** Patrick J. Hagerty, M. Graham Dobbs, Gray, Ritter & Graham, St. Louis

■ **Defendants' Attorneys:** Maureen O. Bryan, Timothy J. Gearin, Armstrong Teasdale, St. Louis.