

Hospital's Staff Failed to Recognize Stroke, Plaintiff Alleged

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Weaver v. Phoenixville Hospital

\$2.058M Verdict

Date of Verdict: Sept. 9.

Court and Case No.: C.P. Chester No. 2020-1267.

Judge: William P. Mahon.

Type of Action: Medical malpractice.

Injuries: Brain injury.

Plaintiffs Counsel: Robert F. Morris, Seth D. Wilson, Joshua J. Knepp; Morris Wilson Knepp Jacquette.

Plaintiffs Experts: N. Stuart Harris, emergency medicine; Boston; Jesse Weinberger, neurology, New York, New York; Andrew C. Verzilli, economics; Lansdale; Sarah Marks Tabby, physical medicine, Bala Cynwyd; Varsha A. Desai, life care planning; Blue Bell.

Defense Counsel: Gary M. Samms, Obermayer Rebmann Maxwell & Hippel, Philadelphia; Andrew K. Worek; Post & Post, Berwyn; Chilton G. Goebel III, Saxton & Stump, Malvern.

Defense Experts: James A. Stavros, economics, Westmont, New Jersey; Susan Davis, life care planning, Philadelphia; Thomas A. Rebbecchi, emergency medicine, Camden, New Jersey; Edward C. Burnetta, neurology, Bryn Mawr; Stephen M. Gollomp, neurology, Wynnewood.

On Feb. 14, 2018, plaintiff Johanna Weaver, 75, was transported to Phoenixville Hospital, in Phoenixville. She had fallen, and she could not move the left side of her body.

An emergency-medicine physician, Dr. Kevin Kramer, ordered performance of a CT scan. The test's results were negative. Kramer opined that Weaver was suffering vertigo.

Kramer left the hospital some two hours later, when his shift concluded. Weaver remained in the hospital's emergency department. After another two hours had passed, Weaver was evaluated by another emergency-medicine physician, Dr. Kenneth Kleckner, who determined that Weaver was exhibiting symptoms of a stroke. Kleckner and a hospitalist, Dr. Talae Saeed, summoned a vascular neurologist, who opined that Weaver's symptoms could no longer be treated, given the amount of time that had passed since their inception. A stroke was confirmed. Weaver suffers residual physical limitations and impairment of her cognition.

Weaver sued Phoenixville Hospital. The lawsuit alleged that the hospital's staff failed to properly treat Weaver. The lawsuit further alleged that the staff's failure constituted malpractice.

Phoenixville Hospital impleaded Saeed, Kleckner, Kramer and Kramer's practice, Phoenixville Emergency Care Specialists, LLC. Phoenixville Hospital alleged that Saeed, Kleckner and Kramer failed to properly treat Weaver, that the failure constituted malpractice, and that Kramer's practice was vicariously liable for Kramer's actions. Phoenixville Hospital, Kramer and Kramer's practice stipulated that Kramer and Kramer's practice would indemnify the hospital for any damages assessed against Kramer.

Weaver's emergency-medicine expert opined that, given Weaver's inability to move the left side of her body, it was obvious that Weaver had suffered a stroke. The expert contended that Kramer should have immediately summoned a stroke neurologist or, alternatively, administered tissue plasminogen activator, a clot-dissolving medication commonly used to treat strokes in progress.

Weaver's stroke-neurology expert agreed that Weaver's symptoms suggested a stroke. He opined that immediate administration of tissue plasminogen activator would have been at least 50 percent effective in preventing serious consequences. He contended that the failure to render such treatment allowed permanent, disabling progression of Weaver's stroke.

Phoenixville Hospital's counsel contended that Kramer was solely liable for Weaver's injuries. Kramer's emergency-medicine expert opined that Weaver's symptoms were not typical of a stroke. The expert noted that Weaver's left leg was rigid and immovable, which is an atypical presentation for a stroke. The expert concluded that Kramer could not have conclusively diagnosed a stroke.

Weaver suffered a stroke. She suffers residual weakness of the left side of her body. She also suffers neurogenic bladder and resultant incontinence.

Within days of her stroke, Weaver was transferred to a rehabilitative facility, where she underwent about four weeks of treatment. Upon her discharge, she was admitted to a nursing home, where she remained until June 2018.

Weaver claimed that she cannot independently perform many of her everyday tasks, including bathing herself, dressing herself, exiting her bed or using a toilet. She also claimed that she is susceptible to falls and requires use of a wheelchair and an assistive walking device. She claimed that she requires the constant presence of an aide. She undergoes physical therapy. Weaver sought recovery of about \$1 million in future medical expenses, and she also sought recovery of damages for past and future pain and suffering. Her husband sought recovery of damages for loss of consortium.

The defense's expert physiatrist opined that Johanna Weaver requires no more than two hours of assistance a day. Defense counsel contended that Weaver's future medical expenses would likely approximate \$300,000.

The jury found that Phoenixville Hospital, through Kramer's actions, was liable for Weaver's injuries. It determined that damages totaled \$2,058,000.

This report is based on information that was provided by plaintiffs counsel. Defense counsel did not respond to the reporter's phone calls.

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