

Jury Finds for Defense in Med-Mal Trial Over Teen's Death Shortly After ER Visit

GREG LAND NOVEMBER 19, 2021



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What You Need to Know

- The 17-year-old went to an ER, complaining of fever and chills, and discharged with a diagnosis of viral syndrome.
- She died 18 hours after being released; an autopsy revealed a rare and untreatable pulmonary condition.
- After a 2½-week trial, a Cobb County jury found no negligence by the treating physician assistant.

Following a week-and-a-half trial, a Cobb County, Georgia, jury cleared a certified physician assistant of liability in the death of a teenage girl who died the day after she was sent home from an emergency room where she had sought treatment for fever and chills.

A'rionne Cheves died after she had been diagnosed with viral syndrome and dehydration and released with an anti-nausea medication.

Defense attorney Heather McGrotty said Cheves died after going into cardiac arrest as a result of an uncommon disorder that the PA-C had no indication of when he examined her.

“We knew the optics of a 17-year-old discharged from the emergency department dying 18 hours later would be difficult to overcome,” McGrotty said.

“An autopsy revealed that the primary cause of death was idiopathic pulmonary arterial hypertension, an exceedingly rare, incurable disease which dramatically reduces life expectancy; the seven-year survival rate is 49%,” she said. “PAH affects less than 100,000 people in the United States annually, less than 1% of the population.”

“The autopsy also determined that her death was complicated by pneumonia,” McGrotty said.

McGrotty said Cheves, a member of her school's ROTC program, was in good health and “by all accounts just a lovely young lady who came from a really nice family.”

“We knew the optics of a 17-year-old discharged from the emergency department dying 18 hours later would be difficult to

overcome,” said the [Weathington Firm](#) partner who led the defense in what co-counsel and firm principal Paul Weathington termed a “tough” and “tragic” case.

Lead counsel for Cheves’ mother and executrix, Conswaylous Carkhum, was Jed Kurzban of [Kurzban Kurzban Tetzeli & Pratt](#) in Miami, whose co-counsel included firm colleague Lauren Gallagher and Neil Edwards of [Childers, Schlueter & Smith](#).

In an email, Edwards said he was proud to have assisted on the case.

“This was a tragic case and the Carkhums felt strongly that something had been done wrong to their child—but this was undoubtedly a difficult case for many reasons,” he said. “In the end, the Carkhums had their day in court, an opportunity to be heard and a chance to present their case to a jury. Regardless of the final verdict, that is always a win in my book.”

Edwards said there are no specific plans for any appeal or other post-trial motions, but they are reviewing the record.

According to McGrotty and the [pretrial order](#), Cheves went to the ER at WellStar Spalding Regional Hospital in Griffin in January, 2016 complaining of fever, chills and abdominal pain and exhibiting a high respiratory and pulse rate.

She was “fast-tracked” and examined by PA-C Daniel Young, whose initial diagnosis was a urinary tract infection which, after testing, he changed to dehydration and viral syndrome.

She was prescribed the nausea medication Zofran and sent home after about two hours without having undergone a cardiac exam or chest X-ray.

Cheves died the next day; the cause of death was “pulmonary hypertension complicated by acute pneumonia.”

Her mother, Carkhum, sued Young and his employer, Independent Physicians Resource Inc., for medical malpractice in Cobb County State Court.

The plaintiffs’ main argument was that Young should have ordered a chest X-ray that would have “more likely than not” revealed the pneumonia and hypertension.

McGrotty said the plaintiffs made an offer of settlement for \$150,000 more than two years ago; the defendants’ insurer, North Carolina-based Curi, declined.

During a trial that began Nov. 8 before Judge Allison Salter, McGrotty said evidence showed that Cheves’ pulmonary artery had become so constricted that her heart was under such strain that it weighed twice what it should have.

”She had what they call the idiopathic version of PAH, which means they don’t know why it develops,” the lawyer said.

McGrotty said key defense witnesses included Paul Forfia, director of the pulmonary hypertension program at Temple University School of Medicine, and Chad Miller, director of the pulmonary hypertension program for Piedmont Healthcare.

In closing, she said the plaintiffs lawyers asked for about \$2.3 million.

“They did not give a specific number for the value of her life,” said McGrotty. “They did recognize that she likely had some reduced degree of life expectancy because of the hypertension.”

McGrotty asked for straight defense verdict.

“We felt confident in the quality of care, and the unfortunate reality of her underlying, very difficult to diagnose condition,” she said.

McGrotty said the jury was out about two hours before finding for Young.

In conversation with the jury forewoman afterward, McGrotty said the panel “felt strongly that he had met the standard of care. One big issue was that no blood pressure reading was obtained, but they had a policy not to obtain pediatric blood pressure at the Spalding ER. It wasn’t his fault.”

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