



Defense Lawyers
Association

June 2014 Verdicts continued

Submitted By

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Court State Court**County** Grant County (stipulated change of venue from Luna County)**Judge** Honorable J.C. Robinson**Defense Counsel** Remo E. Gay and Melissa A. Brown**Plaintiff Counsel** John Grost and Mollie McGraw**Trier** 12 Person Jury**Style** STATE OF NEW MEXICO
COUNTY OF LUNA
SIXTH JUDICIAL DISTRICT

BARBARA HALL, Plaintiff,
v. No. D-619-CV-2012-392
Honorable J.C. Robinson
RICHARD M. STEINZIG, M.D., Defendant.**Statement of Facts**

The Plaintiff alleged that the Defendant gynecologist breached the standard of care by injuring the left ureter during surgical removal of a large ovarian mass, with bilateral hysterectomy and Salpingo-oophorectomy, in the 72 year old patient. The surgical complication was recognized and diagnosed within the first post-operative week and the patient was transferred to the Mayo Clinic in Arizona for repair of the ureteral defect. The Defendant contended that ureteral injury is a well-known, potential complication of the surgical procedure performed and occurred in the absence of any negligence on the part of the operating surgeon. On May 12-14, 2014, the case was tried to a Silver City/Grant County 12-person jury, by stipulation of the parties on a request for change of venue from Luna County, where the Plaintiff resided. After an approximately 45 minute deliberation, the jury returned a verdict in favor of the Defendant.

Verdict Defense**Experts**

Robert Domush, M.D., for the Plaintiff (CA)
Ronald Deyhle, M.D., for the Defendant (NM)



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June 2014 Verdicts

Submitted By Brenda Saiz
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Court State Court

County Rio Arriba

Judge Judge Sarah Singleton

Defense Counsel Brenda Saiz and Kip Purcell

Plaintiff Counsel Turner Branch, Margaret Branch, Robert Gorence, Louren Oliveros

Trier 12 Person Jury

Style Elsie Alexander v. Debbie Tixier, Patrick Montoya, MD, Rajan Mirchandani, MD, and Presbyterian Healthcare Services d/b/a Presbyterian Espanola Hospital

Statement of Facts This was a claim of medical negligence brought by the Plaintiff for damages she alleges resulted from PHS' doctors failing to diagnose her as having a "heightened stroke risk," and failing to recognize and treat a stroke when she had what she deemed to be obvious risk factors and symptoms of a stroke. Plaintiff was seen by a PHS employed internal medicine doctor, in April, 2012. She complained of blurred vision in her left eye, increasing headaches, and dizziness, which had gotten progressively worse over the prior year. Plaintiff claimed that based on her symptoms and an MRI of her brain, that the internal medicine doctor should have prescribed her Plavix and/or aspirin to reduce her risk of a stroke and he should have taken steps to ensure she saw a neurologist immediately.

Months later, on August 7, 2012, Plaintiff, a respiratory therapist employed by Presbyterian Espanola Hospital, while at work and at the end of her shift, had difficulty doing an EKG on a patient in the ER and appeared confused. The emergency room doctor did not do an exam, and instead, he referred her to her supervisor because of her confusion. The House Supervisor, pursuant to the PHS' reasonable suspicion policy that requires drug and alcohol testing on a potentially impaired employee, sent Plaintiff to the laboratory for such testing. The House Supervisor, a registered nurse, did not conduct a medical evaluation or take her vital signs.. The House Supervisor then ordered Plaintiff home, pursuant to the policy, with a security guard and a nurse. Two days later, on August 9, 2012, Plaintiff suffered an anterior circulation stroke that the treating neurologist diagnosed as having occurred 48 hours earlier while at work on August 7th. Plaintiff claimed that the emergency room doctor and the House Supervisor should have done an additional assessment on her, performed an exam, and/or taken her vital signs and ensured she was seen by a doctor while at work on August 7th instead of drug testing her. Plaintiff contended she had a "doctor-patient relationship" with the hospital at that time, and argued that the medical providers were medically negligent. Plaintiff asked for compensatory and punitive damages.

Verdict Defense

Experts Plaintiff's Experts:
Pam Sharkey, RN; Dr. James Balliro, emergency medicine/bariatric surgeon; Dr. Neil Farber, internal medicine doctor.

Defendants' Experts: Robb McLean, MD, FACEP, emergency medicine; Dr. Robert Miska, neurologist;
Ronald Bisante, RN.