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\$8.5 Million Jury Verdict for Twin Sons of Woman Who Died

Mrs. B, a single mom of twin boys, went to a local hospital on Mother's Day of 2005 with serious abdominal pain. Mrs. B was seen by a variety of doctors at the hospital and went into shock after spending more than a day at the hospital. Mrs. B went into respiratory and cardiac arrest.

Dr. Jose Martinez Alba, a surgeon who was consulted by phone on the case, arrived the next day shortly before Mrs. B went into arrest. Dr. Alba resuscitated Mrs. B and performed surgery to relieve a bowel obstruction. Unfortunately, Mrs. B never regained consciousness. She lapsed into a vegetative state and ran up more than \$5 million in medical bills before dying at a nursing home on February 13, 2007.

A key issue in the trial before Miami-Dade Circuit Judge

John Schlesinger was a hospital policy that gave doctors up to 24 hours to perform a consultation. Brett Panter argued to the jury that Dr. Alba should have responded sooner. The doctor was defended by a team of defense lawyers. The defense team argued that the doctor complied with the hospital policy and met the standard of care. However, Dr. Alba didn't go to the hospital until after he received a phone call from Mrs. B's distraught mother.

The jury awarded damages of \$8.5 million and attributed 30% of the blame to Dr. Alba, resulting in a \$2.55 million judgment against him.

Mrs. B's twin boys were only 11 years old when their mom died. This case will provide financial support for these two boys and provide them with



the financial resources needed for college.

This was a tragedy that could have been avoided. Brett Panter worked on this case with attorney, John Perez; partner, David Sampedro; and associate, Joshua Wintle. This was another case in which justice was achieved. We hope that when doctors read about Mrs. B, they will remember to be more attentive to their patients and give all of the them safe, timely care.



\$3.7 Million Dollar Verdict holds Police Responsible

On November 11, 2007, 19-year-old, Omar Mieles was on his way home when a City of North Miami police officer negligently crashed his police car into the car in which

Omar was a rear-seat passenger, killing him.

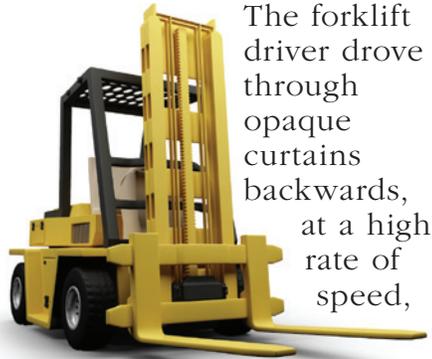
Mitchell Panter was able to obtain the "Black Box" from the police vehicle to determine that the City of North Miami police officer was traveling

more than 60 mph at the time of the crash. Visual recreations were produced to show the jury how the police officer endangered everyone on the road. This tragedy would

Panter, Panter & Sampedro, P.A. Achieves Justice Despite the Worker's Compensation Immunity Defense

Seriously Injured Man Receives \$3.7 Million Settlement in Suit Arising From Forklift Accident

On March 14, 2007, a forklift driver was working in a refrigerated area of an airline facility at Miami International Airport.



The forklift driver drove through opaque curtains backwards, at a high rate of speed,

and without stopping. Within feet of the curtain, he collided with another worker, who was on foot. During videotaped cross-examination, the forklift driver acknowledged that there was no doubt he knew about the pedestrian traffic. He also acknowledged that he could not see through the curtain on the date of the accident. Ultimately, he admitted that had he made a complete stop and inched little by little

through the curtain, the pedestrian worker would not have been injured.

The defendant's very competent defense lawyers asserted that their clients were entitled to worker's compensation immunity.

Brett Panter argued that this accident was a consequence of unrelated works and that there was an exception to worker's compensation immunity. The Defendant argued that there were policies requiring the pedestrian worker to use a second-floor hallway to avoid the doorway where the curtains were located.

The pedestrian worker was severely injured in the collision. The forklift caused traumatic crush injuries to his right foot. He underwent multiple surgeries. Despite doctor's best efforts, his foot became gangrenous, and months after the accident a "chopart amputation" was performed.

Panter, Panter & Sampedro, P.A., hired life care planners who were able to prepare a life care plan to prove what medical care and support was necessary to help the pedestrian worker live a comfortable life despite his grievous injuries.

After 10 hours of mediation and hundreds of thousands of dollars in expert expenses and litigation costs, the case ultimately settled for \$3.7 million. The pedestrian worker will receive the funds necessary to enable him to live financially independent for the rest of his life.

Brett Panter would like to thank Barry Stein, a well-recognized lawyer and excellent worker's compensation attorney, for bringing this matter to him and for working with him towards a successful conclusion. Brett would also like to recognize the firm's associate Joshua Wintle for his work on this case.

\$3.7 Million Dollar Verdict

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have been avoided if the officer had traveled at the 30 mph speed limit.

Although he was not wearing a seatbelt, the jury concluded that Omar did nothing to cause or contribute to causing his death and was not negligent. Regardless of the outcome of this trial and the jury's finding of no fault on the part of Omar, Panter urges everyone to "buckle up." There is no rule of law requiring an adult

back-seat-passenger to wear a seatbelt, however, it is better to make sure that you and all of your passengers use a seatbelt at all times.

"This was a case about responsibility and proving that no one is above the law," said Panter. From the time of the crash to the jury verdict of \$3.7 million dollars, the City of North Miami failed to take responsibility for the actions of their officer.

Mitchell Panter, together with

his partner, David Sampedro, and associate, Joshua Wintle, proved that the officer violated three separate rules of law, and the jury held the City of North Miami responsible for these rule violations.

This case sends a message to all police departments to make sure that their officers and representatives understand that "no one is above the law, that everyone is accountable for their actions and that the law applies to all," said Panter.



Terry Moffa, R. N., CCRN-R.

Tips from Nurse Terry

Protecting ourselves from medical malpractice

According to “*To Err Is Human: Building a Safer Health System*,” experts estimate that as many as 98,000 people die in any given year from medical errors that occur in hospitals.

Nosocomial blood stream infections, those resulting from treatment in a hospital or health-care facility, are a leading cause of death.

What can we do to protect ourselves?

While we cannot totally eliminate the risk, investigation and information can help decrease our risk.

1. Investigate your doctors and hospitals and try to avoid high-risk practitioners.

You may choose to entrust your care to a physician with a history of several settled malpractice claims who now declines to carry malpractice insurance or to a hospital lacking JCAHO accreditation, but that decision should be made with full awareness of those facts.

For information on health care providers including education, whether or not they carry malpractice insurance, and history of disciplinary actions: ww2.doh.state.fl.us/irm00praes/praslist.asp

For history of closed malpractice claims, visit: www.flair.com/Liability/

Board certification involves rigorous testing and peer evaluation and can be considered

a “Gold Standard” for practicing doctors in the US. To verify certification, visit: www.abms.org/who_we_help/consumers/verifying.aspx

To search for Joint Commission accreditation of health care organizations, visit: www.qualitycheck.org/consumer/searchQCR.aspx

2. Become well informed about your medical conditions. With knowledge comes the confidence to become a partner in your own care by making informed decisions and questioning treatments and medications.
3. Become well informed about your medications, including dosages and potential side effects to alert you to errors in medications provided either by pharmacy or hospital personnel.

US National Library of Medicine, National Institute of Health, “The world’s largest medical library” can be found at www.nlm.nih.gov/

4. Wash your hands and make sure any health care provider who comes in contact with you washes theirs and/or puts on *fresh* gloves!

By taking responsibility, doing our homework, and becoming informed consumers we can help avoid falling victim to injury from medical malpractice.

Terry Moffa, R. N., CCRN-R., NrsTerry@aol.com, is a retired critical care nurse and nurse reviewer for Panter, Panter, and Sampedro since 1996.

Panter, Panter & Sampedro, P.A. continues to have an entire department solely dedicated to representing various health care providers in first party claims. With a combined experience of 19 years, Chris Carrazana and Zach McWilliams lead a team of seven staff members in the firm’s efforts to maximize patient care cost recovery. The firm anticipates having its annual seminar on securing personal injury benefits in the coming months. Feel free to contact our law firm if you do not receive a personal invitation.

TOO YOUNG TO DIE

Tamara Wilson* was a vibrant 23-year-old young woman who was working part-time and going to school. She lived at home with her mother and served as a second mother to her niece. On her time off, she played basketball, which she excelled at while in high school. On April 28, she was experiencing flu like symptoms and went to a local hospital in Miami-Dade County. Nurses noted that she appeared ill, had a rapid heart rate, and had a fever.

Diagnostic tests showed that she had pneumonia. A CT scan showed that she had a collapsed lung. Her white blood cell count was excessively high, which suggested she had an infection. Blood cultures were positive.

Tamara was initially admitted to the ICU. Despite the presence of pneumonia, her attending physician failed to order a pulmonary consult. In addition, although her vital signs worsened, her attending physician ordered that she be moved to telemetry. Once she was transferred, the nurses failed to appropriately monitor her. Shortly thereafter, she was found unresponsive and without any vital signs. She was pronounced dead within a few minutes.

Tamara left behind a grieving family shocked by the sudden death of this young, vivacious, and healthy young woman. When they asked the hospital for answers, none were provided. Tamara's mother came to David Sampedro to

get the answers that the hospital refused to provide. After taking the deposition of one of the nurses, the hospital offered to mediate the case early and quickly. In a short time, Panter, Panter & Sampedro, P.A., was able to resolve the case for Tamara's family for 1.4 million dollars. Tamara's family was glad to have some answers as to how Tamara passed away and was glad to get some of the answers that the hospital had initially refused to provide. They hope this settlement will improve care and prevent another family from having to suffer the same pain.

**The names of the parties have been changed as a result of a confidential settlement.*

Panter, Panter & Sampedro is accepting pharmaceutical and medical device cases including: **Meridia** (heart attack and strokes); **Fentanyl Pain Patch** (accidental overdose); **Accutane** (Inflammatory Bowel Disease); **Bextra** (Stevens Johnson Syndrome; heart attack; stroke); **Nuva Ring** (deep venous thrombosis); **Yasmin and Yaz** (Deep Vein Thrombosis, pulmonary embolism, heart attack, stroke, kidney failure); **DePuy Hip Implants** (pain, swelling, or difficulty walking). Call us for more information: **(305) 662-6178** or Toll Free: **(800) 593-6178**.

NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.



**PANTER, PANTER
& SAMPEDRO, P.A.**

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