

STATE OF ALASKA

THIRD DISTRICT COURT - Anchorage

TIMOTHY JUSTICE vs HUMANA HOSPITAL ALASKA

Number: 3AN-86-00122

Plaintiff Attorney: Jeffrey A. Haas, San Francisco, California; and John T. Hansen, Anchorage

Defendant Attorney: Delaney, Wiles, Hayes, Reitman and Brubaker, Anchorage, by James Delaney; and Biss and Holmes, Anchorage, by Burton C. Biss

Plaintiff Expert: Lawrence H. Pitts M.D. (Neurosurgeon) San Francisco, California
William Teufel M.D. (Emergency Medicine) El Cerrito, California
Jonathan Lawrence M.D. (Emergency Medicine) Long Beach, California
Michael Brant-Zawadzski M.D. (Neuroradiologist) Newport Beach, Calif.
William J. Trezise M.A. (Rehabilitation) Oakland, California

Defendant Expert: Jerry C. Kenley Ph.D. (Economist) San Mateo, California
Richard Lehman M.D. (Neurosurgeon) Anchorage
Wallace Nelson M.D. (Neurosurgeon) Seattle, Washington
Peggy Goldman M.D. (Emergency Medicine) Seattle, Washington
Timothy Samuelson M.D. (Emergency Medicine) Anchorage
John Howieson M.D. (Neuroradiologist) Portland, Oregon
Hugh Gellert (Economist) Anchorage

Trial Judge: Hon. Rene Gonzales

MEDICAL MALPRACTICE (FAILURE TO DIAGNOSE AND TREAT A SUBARACHNOID BLEED)

May 28, 1982 at about 11:30 P.M. plaintiff, a 27-year-old clerk from Los Angeles, California, suffered a convulsion at a bar in Anchorage and presented at the defendant Hospital's emergency room.

May 30, 1982, the plaintiff again presented at the defendant Hospital.

Plaintiff contended that the defendant Hospital provided substandard care and treatment in failing to diagnose and treat a subarachnoid bleed from an undiagnosed congenital cerebral aneurysm.

JUSTICE vs HUMANA HOSPITAL ALASKA - (CONTINUED) - Anchorage

Defendant Hospital contended that it provided proper care and treatment to the plaintiff, who was an alcoholic and drug abuser, when he was brought to the emergency room following an episode at a local bar where he fell to the floor after drinking too much and inhaling illegal drugs.

Defendant further contended that the aneurysm did not bleed until several days later, by which time the plaintiff had returned to his home in Los Angeles; and that it was misdiagnosed at the Los Angeles County/University of Southern California Medical Center in any event.

In a companion case filed in California, entitled *Justice v. Los Angeles County*, the plaintiff claimed medical negligence against the County of Los Angeles for its failure to diagnose and treat the aneurysm. Plaintiff settled with the County of Los Angeles before trial for a structured settlement with a present cash value of \$600,000.

Plaintiff attorney did not submit a specific figure to the jury.

Jury out two days after a fifteen-day trial.

Injuries: Plaintiff suffered a small bleed in Alaska from a congenital cerebral aneurysm while he was dancing at a local bar. He returned to his home in Los Angeles and was seen on two occasions at the Los Angeles County Medical Center and then was released. Thereafter, he suffered a massive bleed rendering him partially hemiplegic, with classic physical impairment, including loss of motor function and sensitivity on the right side of the body, and brain damage with cognitive impairment and loss of memory.

Defendant did not seriously dispute the impairment, but claimed that due to the plaintiff's poor work history and admitted alcoholism, he is not employable.

Specials: Plaintiff is independent, but will require \$2,000 per year for life for medical care for an ankle brace and therapy, and is not employable, with a Wage Loss of approximately \$700,000.

Settlement talks: Demand of a structure worth \$658,000. No Offer.

Result: PLAINTIFF VERDICT \$1,449,160 BUT THE JURY FOUND THE PLAINTIFF 10% NEGLIGENT AND REDUCED THE VERDICT TO \$1,304,244. 10-2

After the verdict, judgment was entered against the defendant for a total of \$1,859,000.

THE CASE THEN SETTLED FOR CASH AND A STRUCTURED SETTLEMENT WITH A TOTAL PRESENT CASH VALUE OF \$1,750,000, in addition to the lifetime annuity and periodic payments from the County of Los Angeles under the terms of the other settlement.