

Jury Awards \$25M in Med-Mal Amputation Case

MICHELLE TUCCITTO SULLO
The Connecticut Law Tribune

October 17, 2016



Katie Mesner-Hage

A jury in Bridgeport considering a medical malpractice claim has awarded almost \$25 million to a young Ansonia woman who lost her left leg below the knee because of a clot.

Virginia Schneider sued the Southern Connecticut Vascular Center of Trumbull and Dr. Marsel Huribal, an employee at the center.

The case went to trial in Superior Court in Bridgeport, and on Oct. 14, a jury awarded \$24.9 million to the plaintiff. The amount includes about \$4.2 million for economic damages such as medical expenses and \$20.7 for pain, suffering and reduced ability to fully participate in everyday life.

Joshua Koskoff and Katie Mesner-Hage, both of Koskoff Koskoff & Bieder in Bridgeport, represented Schneider.

"We are very happy with the award," said Mesner-Hage. "I think the amount of the verdict speaks to the testimony of Virginia herself. The jury got a window into what it is like to be a 25-year-old amputee. She was a highly active and athletic person before this, and of course this is a lifelong injury."

Schneider was 18 years old and a recent high school graduate when she sought care at Griffin Hospital for an asthma attack in November 2009. She had excelled at basketball

and volleyball in school. She had a job and was taking college classes, according to her attorneys.

At the hospital, doctors were concerned about numbness and pain Schneider had experienced in her left leg, and a test showed a clot, according to her attorneys. Griffin, a small community hospital in Derby, didn't have a vascular surgeon, and doctors contacted Huribal, the on-call vascular surgeon.

"At that point, she needed to be admitted, and it was not safe to release her," Mesner-Hage said.

However, Huribal asked for another test, then ultimately sent Schneider home to be seen at his office three days later, according to Schneider's attorneys. Because she was released, her condition worsened, and she ultimately ended up having part of her leg amputated, according to her legal team.

The jury determined that Huribal was 60 percent responsible, and it assigned the remaining blame to other physicians and Griffin Hospital.

"He was the expert on the phone, and this case goes to the question of 'where does the buck stop?'" Mesner-Hage said. "The jury is saying that the buck stops with the specialist. The emergency room doctors are generalists and don't have the same level of expertise as the specialist."

Koskoff said it was a long, hard-fought case, with the trial lasting for five weeks.

"The defense denied responsibility and blamed the hospital. He said he wasn't her doctor because he was just on the phone, and therefore, it wasn't a doctor-patient relationship," Koskoff said.

Other defendants, including Griffin Hospital, reached confidential settlements with their client before the trial, according to Schneider's attorneys.

Timothy Grady of Halloran & Sage, who represented Huribal and Southern Connecticut Vascular Center, said they are planning to appeal the verdict.

According to Grady, the defense believes the jury didn't get a full and complete jury charge on an issue surrounding the doctor-patient relationship, which he said will likely be a key point on appeal.

The plaintiff attorneys claimed the defendants failed to adequately and properly care for Schneider. They claimed the defendants failed to diagnose the leg clot, and failed to advise her in a timely fashion to return to the hospital for admission, for example.

According to her lawsuit, Schneider had to undergo amputation below the knee of the left leg, prolonged hospitalization and extensive rehabilitation. Because of what happened, she has suffered depression, social isolation, pain and suffering, her complaint stated.

"Virginia Schneider has been permanently deprived of her ability to carry on and enjoy life's activities and her earning capacity has been permanently destroyed," the complaint alleged.