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Jury Awards Defense Verdict to Saxton & Stump Client in Wrongful Death Case

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APRIL 20, 2018



We represented an Emergency Department physician and the nursing team in a case involving an alleged delay in diagnosis of pediatric acute myeloid leukemia in conjunction with their decision to transfer the patient to a children's hospital. Specifically, Plaintiffs claimed that certain lab findings in the Emergency Department chart were suspicious of a pre-leukemia condition and were not appreciated. Plaintiffs claimed that as a result of the delay, their six year old daughter developed acute leukemia which was not diagnosed for another five months. Despite a hard fought battle with her disease, the little girl passed away. Throughout trial, our team navigated this emotional and sympathetic case to present the relevant medical facts and issues for the jury's consideration.

Plaintiffs also sued the academic tertiary care center that accepted the patient for evaluation. Several months before trial, the tertiary care center settled pursuant to a Joint Tortfeasor Release. Crossclaims were filed by our clients and the settling tertiary center. At trial, the tertiary care center presented its own experts attacking the care provided by the Emergency Department. Throughout the two-week trial, Plaintiffs' counsel and counsel for the tertiary care center presented a unified and collaborative attack against our clients. To that end, both Plaintiffs and the tertiary care center presented their own experts to attempt to shift the maximum amount of verdict onto the Emergency Department defendants.

Despite the two-pronged attack, our team was able to establish that the care by the Emergency Department physician was appropriate, and furthermore that none of the care in the Emergency Department had an impact on the patient. The Jury found the pediatrician at the tertiary care center 100% liable for a significant verdict.

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