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## Coronary Patient Dies After Surgery

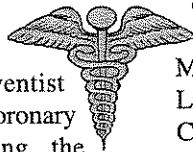
*Doctors Twice Failed to Repair Ruptured Pulmonary Artery*

By Jennifer Willhoite

A Montgomery County Circuit Court jury awarded \$6,402,700 to the family of a woman who died following coronary bypass surgery.

Cecilia De

La Torre presented to Defendant Washington Adventist Hospital for a coronary bypass. Following the successful surgery, a swan-ganz catheter was placed in the artery as a matter of procedure. An attending nurse came into decedent's room to get a catheter reading and was having difficulty. At some point, the catheter was manipulated



and the pulmonary artery ruptured. The artery was never repaired. Five days later, the artery ruptured a second time and De La Torre died. Decedent was 68 years old at the time of her death. This lawsuit was brought by decedent's estate, husband, two sons and one daughter. At trial, the defendants were Thomas C. Militano, M.D., Eric Lieberman, M.D., Associates in Cardiology by and through Peter Sabia, M.D., Randall P. Wagner, M.D., Jacqueline Honig, M.D. and Steven Fuller, D.O.

Plaintiffs alleged the catheter should not have been pushed or otherwise manipulated and, to do so, was below the

standard of care. Plaintiffs claimed that, after the artery was first ruptured, decedent should have been operated on immediately. They asserted that defendants gave decedent medication that made it harder for her blood to clot, which also contributed to her death.

Defendants contended no one advanced, pushed or otherwise manipulated the catheter and the injury that occurred was not due to medical malpractice or negligence. Defendants argued the injury is rare and there is no standard of care for repair. Defendants maintained it is reasonable for any doctor to assume the body would clot blood and the medicine given to decedent during her hospital stay did not hasten her death.

**INJURIES:** Rupture of pulmonary artery on two occasions resulting in death.

**VERDICT:** \$6,402,700 against Militano, Associates in Cardiology, Wagner and Fuller.

For full details, see page 16.

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## Montgomery County, MD

### Circuit Court

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## Wrongful Death Claim Results in Large Award

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**Case Caption:**

German A. De La Torre, Administrator of the Estate of Cecilia De La Torre, et al. v. Thomas C. Militano, M.D., Eric Lieberman, M.D., et al.

**Verdict:**

\$6,402,700 against Defendants Militano, Associates in Cardiology, Wagner and Fuller. Defense verdicts were entered for Defendants Lieberman and Honig. Breakdown: \$1,100,000 to decedent's estate; \$702,700 in economic damages to decedent's husband; \$2,500,000 in non-economic damages to decedent's husband; and \$700,000 in non-economic damages each to decedent's two sons and one daughter.

**Judge:**

Joseph A. Dugan Jr.

**Date of Verdict:**

2/28/2006

**Attorneys:**

**Plaintiff:**

Bruce J. Klores, Washington  
Scott M. Perry, Washington

**Defendant:**

Crystal S. Deese, Washington  
Albert D. Brault, Rockville  
Duncan K. Brent, Silver Spring

**Facts:** A coronary bypass patient underwent successful surgery, but died shortly before she was to be discharged from the hospital. The decedent's family blamed her caregivers for her sudden death. A Montgomery County jury awarded the plaintiffs a total of \$6,402,700 against four of the six defendants at trial. The remaining two defendants received defense verdicts.

Plaintiff's decedent, Cecilia De La Torre, presented to Defendant Washington Adventist Hospital for a coronary bypass. Following the successful surgery, a swan-ganz catheter was placed in the artery as a matter of procedure. An attending nurse came into decedent's room to get a catheter reading and was having difficulty. At some point, the catheter was manipulated and the pulmonary artery ruptured. The artery was never repaired. Five days later, right before decedent was to be discharged, the artery ruptured a second time and De La Torre died. This lawsuit was brought by decedent's estate, husband, two sons and one daughter. At trial, the defendants were Thomas C. Militano, M.D., Eric Lieberman, M.D., Associates in Cardiology by and through Peter Sabia, M.D., Randall P. Wagner, M.D., Jacqueline Honig, M.D. and Steven Fuller, D.O.

Plaintiff German A De La Torre, the decedent's husband, is a retired physician. He alleged the doctor should not have pushed or otherwise manipulated the catheter and, to do so, was below the standard of care. Plaintiffs claimed after the artery was first ruptured, decedent should have been operated on immediately. They asserted that defendants gave decedent medication that made it harder for her blood to clot, which also contributed to her death.

Defendants contended no one advanced, pushed or otherwise manipulated the catheter and the injury that occurred was not due to medical malpractice or negligence. Defendants argued the injury is rare and there is no standard of care for repair. Defendants maintained it is reasonable for any doctor to assume the body would clot blood and the medicine given to decedent during her hospital stay did not hasten her death.

**Plaintiff Profile:** Plaintiff's decedent was a 68 year old married Hispanic female.

**Alleged Injury:** Rupture of pulmonary artery on two occasions and failure to repair the ruptures resulting in death. Decedent was survived by her husband and three adult children.

**Jury Deliberations:** 8.5 hours

**Expert(s):**

**Plaintiff:** Richard J. Lurito, Ph.D.  
Economist – McLean, VA

Joshua H. Burack, M.D.  
Cardiothoracic Surgeon – Brooklyn, NY

Philip C. Buescher, M.D.  
Pulmonologist – Ellicott City, MD

Stanley J. Podlasek, M.D.  
Pathologist – Baltimore, MD

**Defendant:** William J. Fulkerson, Jr., M.D.  
Pulmonologist – Durham, NC

Mark R. Baldergroen, M.D.  
Thoracic Surgeon – Richmond, VA

John M. Feigert, M.D.  
Oncologist – Arlington, VA

Stuart D. Flynn, M.D.  
Pathologist – Guilford, CT

**Case Number:** 252371