



Suit Tying Boy's Brain Injury To Intubation Settles for \$5M



UNDETECTED SEIZURE ALLEGED: William Lane says medical personnel should have seen that the procedure was causing blood-pressure and heart-rate problems.

An Essex County judge on Tuesday approved a \$5 million settlement in a suit on behalf of a boy who allegedly suffered an undetected seizure and resulting brain injury at a Newark hospital, *Idrovo v. UMDNJ*.

In March 2007, Harry Idrovo, then 7, of Elizabeth, was taken to the University of Medicine and Dentistry of New Jersey with respiratory distress, admitted to the pediatric intensive care unit and diagnosed with severe asthma, says plaintiff lawyer William Lane of O'Connor Parsons Lane & Noble in Westfield.

For three days he was intubated, requiring drugs to shut off his gag reflex. During that time, he suffered a nearly three-hour seizure that was not recognized because the paralysis stilled the accompanying shaking movements. Lane says it should have been detected by its effect on his blood pressure and heart rate, since Idrovo had a history of seizure disorder.

With his brain deprived of oxygen, Idrovo's seizure worsened his speech and developmental delays. He was left unable to speak, cognitively impaired and with left-side weakness, says Lane, adding that the boy needs a wheelchair or assistance in walking.

The settlement, entered in December with UMDNJ and three pediatric ICU physicians — Jose Nevado, Dianne Sinqee and Victor Uduaghan — provides for \$4.8 million for Idrovo and \$100,000 each for his parents, Vilma Conde and Gustavo Idrovo.

Defense lawyer John Dughi, of Cranford's Dughi Hewit &

Domalewski, confirms the settlement, which Superior Court Judge Christine Farrington approved at a friendly hearing.

—By Mary Pat Gallagher

\$3.4M for Surgical Injury

Byfield v. LaMotta: A Burlington County jury awarded \$3.4 million on May 31 to a woman who suffered a bowel injury in a gynecological procedure.

On March 17, 2009, Danielle Byfield, then 35, went to Virtua Memorial in Mount Holly, where gynecologist Joseph LaMotta performed a uterine ablation, in which the uterine lining is removed with a heating mechanism. She returned on March 23 with severe abdominal pain, and LaMotta performed a hysterectomy. That day, surgeon Gregory Mukalian examined a part of her bowel for a possible injury but found none.

On March 26, Byfield returned, in sepsis and with an abdominal infection. A burn hole caused by the ablation was discovered, and that part of the bowel was surgically removed.

Byfield alleged in her suit that both doctors negligently failed to identify the injury during the second hospitalization and that the later complications could have been avoided.

She has permanent abdominal pain and psychological injuries, says her lawyer, Gary Ginsberg of Ginsberg & O'Connor in Mount Laurel.

At trial before Superior Court Judge John Harrington, the jury found LaMotta 65 percent liable and Mukalian



JURY AWARD IN MEDICAL MALPRACTICE SUIT: Gary Ginsberg successfully argued that doctors failed to detect a bowel injury to a woman who underwent a gynecological procedure.

35 percent liable. The panel awarded \$2 million for future pain and suffering and \$1.5 million for past pain and suffering, but cut the award by \$100,000 because Byfield failed to report for psychological counseling.

LaMotta settled, after the close of evidence but before the verdict, on undisclosed terms, says his lawyer, Joseph Lang of Lenox, Socey, Formidoni, Giordano, Cooley, Lang & Casey in Lawrenceville.

Mukalian's lawyer, John Talvacchia of Stahl & DeLaurentis in Rummene, did not return a call.

—By David Gialanella

\$875,896 for Truck-Collision Injuries

Ghee v. Marten Transportation: A federal jury in Trenton awarded a former truck driver \$875,896 for injuries suffered in a crash of two tractor-trailers.

Arlington Ghee, now 55, of Keansburg, was on Routes 1 & 9 in Elizabeth on May 29, 2009, when the other truck moved from the center lane to the right lane and hit him, says his lawyer, Eric Landman of Herbert Ellis' Freehold firm.

Ghee said he crushed a nerve and exacerbated an undiagnosed spinal canal narrowing and small foramen in the lumbar area. He had a fusion and spinal reconstruction and claimed he will suffer permanent pain and limitations and cannot return to driving a tractor-trailer.

The defendants, driver Randy Bee and his truck's owner, Marten Transportation LLC of Wisconsin, stipulated to liability but said Ghee's injuries were caused by a fall four years earlier.

In the damages trial, the jury awarded Ghee \$270,000 for pain and suffering, \$210,000 for future lost wages, \$108,496 for past lost wages, \$150,000



LANE-CHANGE BLAMED: Eric Landman was victorious in his claim that his client was injured when another tractor-trailer moved into his lane.

for future medical expense and \$137,400 for past medical expenses.

The award will be offset by a \$175,000 workers' compensation lien for Ghee's paid claim against his employer, MCST Preferred Transportation of Jersey City.

Marten Transportation, which was self-insured, retained Jon Dumont, of Philadelphia's Rawle & Henderson. He has filed a motion for a new trial.

U.S. District Judge Freda Wolfson presided at the trial.

—By Michael Booth

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