

Phila Doctors Liable in Brain Damage Case

A jury said the three must pay half of the \$49 million awarded to a man hurt at Neumann Medical Center

By Monica Rhor
Of the Inquirer Staff
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A Common Pleas Court jury yesterday ordered three local doctors to pay half of a \$49 million judgment awarded to a Port Richmond man who suffered severe brain damage while being treated for a rare neurological disorder three years ago.

The jury ruled in favor of David Caruso, 23, who went to Neumann Medical Center in Port Richmond to be treated for Guillain-Barre syndrome, a disorder that results in paralysis and is often curable. But due to negligence on the part of Neumann staff members and the attending physicians, Caruso was left unable to walk, talk or move on his own, said his attorney, Shanin Specter.

The jury ruled that Neumann, now part of the Temple University Hospital System, and nurse Melba Gonzaga were responsible for the other half of the award, but both settled out of court before the trial, Specter said. The jury was not informed of the settlement, as dictated by state law, he said.

On March 19, 1997, Caruso had sought treatment for his disorder and during the procedure had an endotracheal tube inserted into his mouth. But the tube, which allows air to flow from a ventilator through the trachea, was incorrectly placed, and the mistake was not detected despite two X-rays that showed the error, Specter contended.

Twelve days later, on March 31, the tube became dislodged and cut off Caruso's oxygen supply for six minutes, resulting in the brain damage, Specter said.

The jury agreed, saying that the misplaced tube was a "time bomb" waiting to go off, Specter said. The jury also agreed that doctors had erred in not transferring Caruso from the tiny community hospital to a facility better equipped to treat Guillain-Barre.

The jury allocated 50 percent of the responsibility to Gonzaga, who was monitoring Caruso and failed to respond quickly when the breathing tube became dislodged; 25 percent to Edward Haraty and 20 percent to William Antonelli, Caruso's attending physicians; and 5 percent to Steven Greensweig, the doctor charged with reading the second X-ray.

Lawrence Silverman, the attorney for Gonzaga and Neumann Medical Center, had no comment on the verdict.

The attorneys for the doctors, all of whom have practices in Philadelphia, could not be reached for comment.

Caruso, who was a record-store clerk trying to carve out a career as a disc jockey, now lives in his parents' Port Richmond home, where his medical bills are expected to run \$400,000 a year. His care for the last three years cost \$1.5 million, Specter said.