

Brain-damaged man awarded \$49M by jury

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Three years ago David Caruso Jr. was a charismatic young man who was engaged and working toward a future in the music industry.

He walked into Neumann Medical Center in Fishtown feeling weak and suffering from what he thought were flu symptoms.

A few days later, a series of mistakes by doctors and a nurse left him brain-damaged. Now, he can't speak or move. He has no control over his bowels and bladder. He can only open his mouth wide enough to have his teeth brushed.

On Tuesday, a civil court jury awarded Caruso \$49 million in the largest medical malpractice judgment ever in Pennsylvania, according to his attorney, Shanin Specter. The nurse, Melba Gonzaga, his two doctors, Edward Hamaty and William Antonelli, and a radiologist, Steven Greensweig, were found liable for his brain injury.

The lawyers for the defendants would not comment on the jury's decision.

After being admitted to the tiny community hospital that is now part of Temple Health System, on March 19, 1997, Caruso, now 23, was diagnosed with a rare but curable neurological disorder called Guillain-Barre' syndrome.

"It's almost always fully curable, but it requires extensive management for a period of three weeks because it paralyzes the body," Specter said. "This young man was not able to breathe on his own."

Three days after he was admitted, he was put on a respirator. Two of Caruso's doctors, who were not sued, urged the head physician to move the young man to a bigger hospital, but their pleas fell on deaf ears, Specter said. Caruso's family was never told that their son could be moved, he added.

Two X-rays were taken after the tube was inserted in the young man's throat. The X-rays showed that the tube was placed incorrectly and was at risk of being dislodged, but nothing was done, Specter said.

A few days later, the tube became dislodged and Caruso's airways were cut off. An alarm was sounded in intensive care, but it took six minutes for Gonzaga to respond, Specter said.

"As a result this young man suffered catastrophic brain injury," he said.

He spends his days on the first floor of his parents' small Port Richmond rowhouse, which they've turned into a hospital room.

His care costs them \$400,000 a year. The family had settled with Gonzaga, whose neglect was responsible for half of Caruso's brain injury, before the jury trial, Specter said.

That money has helped to finance his care. Nurses tend to him for 12 hours a day, then his parents sleep in two-hour shifts and relieve each other through the night, Specter said.

"He has minimal interaction with his parents," Specter said. "His father does a ritual with him every day. He does a Robert De Niro imitation and says, 'Are you talking to me?' His son will laugh and look at him. That's as far as it goes."

A priest comes to his house every day to pray with him, Specter said.

But the fight is not over.

Specter said the insurance companies will most likely try not to pay the \$24 million they are liable for.

"The Carusos are going to have to continue to fight to get the money, but the verdict is a significant step forward," Specter said.

Caruso went to Temple University for a year and worked as clerk in a record store. He was a DJ and was trying to figure out how to break into the music industry.

Caruso will likely live a long life, so the need is tremendous, Specter said.

"All we can do is get some financial compensation from them," he said. "We could have gotten them \$49 billion, but they would trade it in a second to get their son back."