

Daily Journal
VERDICTS & SETTLEMENTS

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FRIDAY, MARCH 28, 2015

MEDICAL

**MALPRACTICE
Wrongful Death**

Verdict: Defense

CASE/NUMBER: Giesel Garcia, by and through her successor-in-interest, Miguel Garcia Torres; Miguel Garcia Torres, individually; and Isidra Avalos, individually v. Moopark Family Medical Clinic, Russell T. Spadaro, M.D. / 56-2015-00471767-CU-PO-VTA

COURT/DATE: Ventura Superior / Nov. 21, 2018

JUDGE: Matthew P. Guasco

ATTORNEYS:

Plaintiff - Christoph T. Nettesheim (Nettesheim Law)

Defendant - Kent T. Brandmeyer, Bryan C. Misshore (Law Brandmeyer LLP)

EXPERTS:

Defendant - Michael G. Muhonen M.D. (pediatric neurosurgery); Robert B. Kelly M.D. (pediatrics)

FACTS: On Aug. 30, 2014, a toddler patient presented to the emergency department at Los Robles Medical Center with a history of abdominal complaints. Defendant pediatrician admitted the patient for gut rest and observation. Her condition deteriorated and the minor patient was later found to have an anaplastic neoplasm of the posterior fossa.

PLAINTIFF'S CONTENTIONS: Plaintiffs contended defendant failed to recognize signs and symptoms of hydrocephalus from a brain tumor resulting in brain stem herniation and death.

DEFENDANT'S CONTENTIONS: Defendant contended the patient's initial presentation was consistent with gastroenteritis. When neurological symptoms manifested, appropriate diagnostic studies were obtained and arrangements were made to transfer the patient to a higher level of care.

DAMAGES: Plaintiffs sought \$250,000 per MICRA. Plaintiffs asked for \$2 million in closing argument.

SETTLEMENT DISCUSSIONS: Plaintiffs made a CCP 998 demand of \$249,000; \$13,542 per stipulation (funeral and burial expenses). Defendant made a CCP 998 offer of waiver of costs.

RESULT: Defense verdict.

FILING DATE: Sep. 1, 2015