



# Top Verdicts

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Verdict: Defense

Los Angeles Superior / BC682431

Topic: Medical

Subtopic: Malpractice

Defense – Kent T. Brandmeyer (Law & Brandmeyer LLP)

Plaintiff, a licensed psychologist, presented herself and was admitted to Aurora Charter Oaks Hospital on November 7, 2016 with complaints of memory loss and cognitive difficulty. She had a distant history of suicide attempts and childhood trauma. After agreeing to be admitted voluntarily, while being processed for admission, she decided to leave the facility.

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## VERDICTS &amp; SETTLEMENTS

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FRIDAY, JANUARY 27, 2023

**MEDICAL****MALPRACTICE**  
Negligence

Verdict: Defense

CASE/NUMBER: Claudia Shields v. Ghada Al-Asadi M.D. / BC682431

COURT/DATE: Los Angeles Superior / Nov. 15, 2022

JUDGE: Richard L. Fruin Jr.

ATTORNEYS:

Plaintiff - Steven L. Zelig (WLA Legal Services Inc.); Sara B. Poster (The Law Office of Sara B. Poster)

Defendant - Kent T. Brandmeyer (Law &amp; Brandmeyer LLP)

FACTS: Plaintiff, a licensed psychologist, presented herself and was admitted to Aurora Charter Oaks Hospital on November 7, 2016 with complaints of memory loss and cognitive difficulty. She had a distant history of suicide attempts and childhood trauma. After agreeing to be admitted voluntarily, while being processed for admission, she decided to leave the facility. She was then placed on an involuntary, 72 hour hold by a nurse.

The next day, she was seen by defendant psychiatrist Dr. Al-Asadi. Per the assessment of Dr. Al-Asadi, plaintiff was depressed and possibly suicidal. Also documented were plaintiff's complaints of memory loss and cognitive difficulties. Starting at this encounter and throughout her stay, plaintiff consistently stated to the various providers at Aurora Charter Oak that she was not depressed or suicidal and had a cognitive, neurologic problem that she wanted evaluated.

Later that first day of hospitalization, plaintiff was examined by internal medicine physician Dr. Solomon, who did not find any acute medical or neurologic problem and cleared plaintiff for her 3 day hold. Dr. Al-Asadi relied on this and continued to see plaintiff daily.

Plaintiff continued to complain of cognitive problems and deny depression. Dr. Al-Asadi needed to facilitate a family meeting before the Plaintiff could be discharged from her 3 day hold. Plaintiff ended up being discharged and released from the hold after 4 days.

Plaintiff was then referred for an MRI, which found an unruptured brain aneurysm. This was successfully treated with embolization 3 weeks after discharge.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that it was below the standard of care to maintain and extend the involuntary hold because plaintiff had a neurologic condition rather than a psychiatric one. Plaintiff's expert testified that Dr. Al-Asadi did not take an adequate history and simply relied on the notes of the intake personnel to conclude that the plaintiff was suicidal. Dr. Al-Asadi did not listen to her patient, who repeatedly informed her of the true nature of the problem.

DEFENDANT'S CONTENTIONS: Defendant contended that the Plaintiff made clear statements of self harm and had an extensive psychiatric history which mandated the involuntary holds. Further, she had no acute neurologic or other medical emergency that mandated a trip to the Emergency Room for MRI or CT scanning. Finally, the Plaintiff did not experience any harm by being held for 4 days in the psychiatric hospital. The later discovered brain aneurysm had been there for many years, was unruptured and not causing any symptoms. Finally, the defendant contended that Dr. Al-Asadi was immune from civil liability pursuant to Welfare and Institution Code 5278.

INJURIES: Plaintiff claimed Post Traumatic Stress Disorder, which then triggered "Migraine Headache Syndrome."

DAMAGES: Plaintiff claimed both past and future economic and non-economic damages. They asked the jury to award non-economic damages "in the low 7 figures".

SETTLEMENT DISCUSSIONS: Plaintiff served a CCP 998 offer in the amount of \$49,999. Defendant served a CCP 998 for waiver of costs. All other defendants settled out of the case via monetary settlement.

RESULT: Defense verdict. The jury found that Dr. Al-Asadi was negligent, but found that her negligence was not a substantial factor in causing plaintiff harm.

OTHER INFORMATION: At commencement of trial, plaintiff asserted causes of action for false imprisonment, medical negligence and Intentional Infliction of Emotional Distress against three defendants- Dr. Ghada Al-Asadi, Dr. Cesar Cruz and Dr. Said Jacob. The court granted nonsuit as to Dr. Cruz and Dr. Jacob, and also as to all but the medical negligence cause of action as to Dr. Al-Asadi, in part based on their statutory immunity to civil liability.

Plaintiff has filed a motion for new trial due to irregularities in the proceedings that plaintiff maintains prejudiced the outcome, including the Court (1) disregarding well-recognized standards governing review of the nonsuit motion, and then erroneously granting nonsuit despite the substantial evidence presented in support of plaintiff's claims and proper their basis in the law; (2) curtailing plaintiff's counsel's examination of Dr. Al-Asadi per Evidence Code section 776 and then granting nonsuit; (3) restricting plaintiff from conducting legitimate cross-examination and permitting defense witnesses to give non-responsive answers throughout trial; (4) sustaining demurrers to plaintiff's cause of action for dependent adult abuse, failing to consider the rulings on its own motion, and failing to reinstate the cause of action despite the clear propriety of the cause of action and admission of the defense that Plaintiff was in fact a dependent adult; (5) rejecting plaintiff's cause of action for breach of fiduciary duty against defendants who served as her physicians; (6) failing to correct the verdict form submitted by defendants that set forth a liability standard that did not conform with California Civil Jury Instructions (CACI), which made it more difficult for the jury to find that Dr. Al-Asadi was negligent; (7) interfering with plaintiff's proper questioning of percipient witnesses; and (8) demonstrating favoritism in the scheduling of testimony for defendants' witnesses compared to plaintiff's. The motion for new trial also notes that it is inexplicable that the jury found liability but no damages in light of the evidence presented.

Defense counsel disagrees with most of the above characterizations by plaintiff counsel.

FILING DATE: Nov. 3, 2017