



And The Defense Wins

DRI members [Bonnie Navin](#) and [Paul Regensdorf](#) of **Stearns Weaver Miller Weissler Alhadeff and Sitterson, P.A.** in Fort Lauderdale successfully obtained a professional malpractice defense verdict in April in *Lissa Hughes, as Personal Rep the Estate of Richard Hughes, deceased v Christopher G. Hamann, M.D., Naples Emergency Physicians, L.L.C., and Cleveland Clinic* in Naples, Collier County Circuit.

The plaintiff alleged that, while being attended by the hospital triage nurse, emergency room nurse and ER doctor, he had chest pain and no one documented his symptoms. The complaint also claimed that the hospital and doctor also failed to timely treat the plaintiff's chest pain. The patient subsequently coded and it took well over an hour and a half to stabilize him, which led to brain damage. The patient died the next day.

The defense argued that the decedent did not advise the triage nurse or any subsequent providers in the hospital's ER that he had chest pain. The defense pointed out that if the decedent (who had many bouts of chest pain in his past history) really had chest pain, he would have not left the first hospital and would not have driven another 30 minutes away to another hospital for care.

The family testified that the decedent was ill all night from what appeared to be flu-like symptoms and they offered to take him to the ER, but he did not want to go. Moreover, the primary care doctor advised that he should be taken to the ER due to the flu symptoms and the primary care doctor testified no one mentioned the patient having any complaints of chest pain, because if they had, he would have advised them to call 911.