



VERDICTSEARCH

NEW YORK

RICHMOND COUNTY

MEDICAL MALPRACTICE

Failure to Detect

Patient claimed doctor didn't diagnose bowel obstruction

VERDICT	Defense
CASE	Ruth Rosenfeld and Milton D. Rosenfeld v. Jerry Beeber (M.D.), No. 11600/97
COURT	Richmond Supreme
JUDGE	Philip G. Minardo
DATE	6/22/2004
PLAINTIFF	
ATTORNEY(S)	Judith E. Crumpton, Baldwin, NY
DEFENSE	
ATTORNEY(S)	John A. Orbon, Amabile & Erman P.C. , Staten Island, NY

FACTS & ALLEGATIONS On Nov. 18, 1994, plaintiff Ruth Rosenfeld, 71, a retiree, presented to her internist, Dr. Jerry Beeber, at his Staten Island office. She complained of stomach pain, nausea, and vomiting. Beeber compiled Rosenfeld's medical history and performed a physical examination. An endoscopy revealed some polyps in her stomach and signs of stomach bleeding.

At approximately 5 a.m. on Nov. 20, Rosenfeld awoke in severe pain and went to an emergency room. A small bowel obstruction was diagnosed, and surgery was performed. Rosenfeld sued Beeber.

Rosenfeld claimed that Beeber did not compile her complete medical history. Specifically, she alleged that he did not ascertain the time of her last meal. Her expert gastroenterologist testified that Beeber should have performed a rectal examination, and that such an examination would have given indications of the bowel obstruction.

Beeber contended that all of Rosenfeld's symptoms were consistent with an ulcer or other stomach problem. He argued that she displayed no symptoms of a small bowel obstruction, that she displayed no abdominal distention, and that she was not vomiting fecal matter.

The operating surgeon testified that the obstruction was present for only two to 12 hours. He testified that it could not have been present for 48 hours—dating to her initial examination—because peritonitis had not yet developed.

INJURIES/DAMAGES *abscess; gangrene; loss of services*

After the surgery, complications developed. There was leakage from Rosenfeld's small intestine, and her gall bladder developed gangrene. It had to be drained, but it did not have to be removed. Rosenfeld also developed an abscess.

Rosenfeld's husband, Milton, presented a loss-of-services claim.

RESULT The jury rendered a defense verdict. It found no malpractice.

DEMAND \$750,000
OFFER None

INSURER(S) Medical Liability Mutual Insurance Co.

TRIAL DETAILS Trial Length: 2 weeks
Jury Deliberations: 1.5 hours
Jury Poll: 6-0
Jury Composition: 2 male, 4 female

PLAINTIFF
EXPERT(S) Maxwell Chait, M.D., gastroenterology, Hartsdale, NY

DEFENSE
EXPERT(S) William Winkler, M.D., gastroenterology, New York, NY

EDITOR'S NOTE Plaintiffs' counsel did not respond to phone calls seeking comment on this report.

—John Hadler