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Jury awards \$1.75 million for wrongful death

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A Baltimore County jury has awarded \$1.75 million to the family of a woman who died of a pulmonary embolism after undergoing bladder suspension surgery at **St. Joseph Medical Center**.

According to the complaint, Erma Joyce Pasquinelli, 59, had a history of phlebitis and despite doctors' orders, the nurses failed to put sequential compression stockings on her legs to reduce the risk of clotting. She died four days after surgery when a blood clot broke off and traveled to her lungs.

"She had elective surgery and died because the nurses did not do what they were ordered to do," said Andrew G. Slutkin, one of the Pasquinellis' attorneys. "Those sleeves are one of the best ways to prevent blood clots."

Slutkin, who tried the case along with Michael Snyder, said the nurses also did not get Pasquinelli up and walking around after surgery, as the doctors had instructed.

"They were looking forward to spending the rest of their lives together and St. Joe's robbed them of that," Slutkin said of Pasquinelli and her husband, who had moved from Bel Air to

Ocean City for retirement a few years earlier.

John R. Penhallegon, the attorney representing the Towson hospital, called Monday's verdict disappointing and said he is looking into grounds for an appeal.

"The jury obviously couldn't get beyond the sympathy they felt for this family in viewing the facts," he said. "We're going to look very seriously at potential appeal issues in the case."

The complaint, filed in August 2000, also named doctors Adelmo C. Marana, John Gordon Frizzera, and Steven Marc Berlin, as defendants.

The doctors reached a confidential settlement with the family prior to trial — a fact not known to the jury, Penhallegon noted.

"The plaintiff settled with all of the other defendants but that wasn't known to the jury in this case," he said. "The jury didn't even know the doctors had been sued."

According to the complaint, Pasquinelli went in for surgery on April 7, 1999. A week earlier, she had a pre-operative check-up where she told a nurse about her history of phlebitis, a condition typically accompanied by blood clots.

After surgery, Pasquinelli had the sequential compression stockings applied, but they were removed so that she could go to the bathroom. The nurses never put the stockings back on, the complaint states.

When her husband came to visit the next day, he found that she had not been using the stockings, had not been walking around, and had not been given any blood thinners. He also noticed that her legs were very swollen — a common symptom of a blood clot.

Pasquinelli was discharged from the hospital the following evening and contacted her doctor over the next few days as she experienced pain in her legs. She died at a relative's home on the Eastern Shore on April 13, 1999.

After the six-day trial before Baltimore County Circuit Judge Ruth A. Jakubowski, the jury awarded \$500,000 to Pasquinelli's estate, \$500,000 to her husband and \$250,000 to each of their three adult children.

Slutkin estimates that the cap on non-economic damages will knock the verdict down to around \$1.5 million.

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