

Facts: The estate of a woman who died as a result of her physicians' failure to follow-up on lab studies received an award of \$2,500,000 from a Fairfax County jury. The award was reduced to the statutory cap of \$1,650,000.

Plaintiff's decedent, Sherry Breeding, presented to the emergency room of a local hospital on January 3, 2000. She complained of weakness in her left arm, headaches, slurred speech and left facial paralysis. She was treated by Defendant Samad Oraee, M.D., a neurologist. Defendant Oraee diagnosed a stroke and obtained a consultation with another physician. Decedent was transferred to another hospital for an MRI, where she stayed pending further tests. On January 7, Defendant Mert T. Kivanc, D.O., a rheumatologist, ordered tests to see if decedent's blood was prone to clotting. She was discharged from the hospital the next day, prior to Dr. Kivanc's receipt of the test results. On January 14, test results revealed that decedent suffered from a clotting disorder and was at risk for having another stroke. The results were transmitted electronically to the hospital, but not directly to either defendant physician. On January 17, decedent had an office appointment with Dr. Oraee. However, Dr. Oraee had not received the results of the test and did not prescribe an anti-coagulant. On January 29, decedent suffered a massive stroke and was placed on life support. She was removed from life support on March 12 and subsequently died.

Plaintiff alleged that Defendant Oraee should have made an effort to obtain the decedent's test results. According to plaintiff, if Dr. Oraee had the results, he could have prescribed the proper medication. Further, plaintiff argued that Defendant Kivanc failed to follow up on the tests he ordered for the decedent. Plaintiff contended that, if defendants had followed-up, they would have properly treated the decedent and she would not have had another stroke.

Both defendants argued that they did not receive the test results from the hospital and it was not their responsibility to search for the results. In addition, defendants contended that the tests did not conclusively show a clotting disorder and that predicting a stroke recurrence is very difficult.

Plaintiff Profile: Plaintiff's decedent was a 52 year old married female who was employed as a manager for Lockheed Martin. She was survived by her husband and two minor daughters. At the time of her death, decedent was earning \$90,000 per year.

Alleged Injury: Failure to follow-up on lab studies and prescribe proper medication which led to a massive stroke and eventual death.

Case Number: 218062

Fairfax County, VA

Circuit Court

Stroke Victim's Family Receives Large Wrongful Death Verdict

Case Caption:

Harlis C. Breeding, Jr., Personal Representative of the Estate of Sherry Breeding v. Samad Oraee, M.D. and Mert T. Kivanc, D.O.

Verdict: \$2,500,000 reduced to statutory cap of \$1,650,000.

Judge: Jonathan C. Thacher

Date of Verdict: 10/2004

Attorneys:

Plaintiff: William E. Artz, Arlington
Andrew J. Waghorn, Arlington

Defendant: Withheld