

and timely treat symptoms of severe respiratory distress filed this medical malpractice suit. Defendants claimed they properly monitored and treated plaintiff, but agreed to settle this case for \$675,000 prior to trial.

On the afternoon of April 1, 1999, plaintiff's decedent, Jane Doe, presented to defendant hospital in respiratory distress with an elevated heart rate. Decedent was admitted through defendant's emergency department and then transferred to a regular medical floor where she came under the care of defendant physician. The doctor ordered supplemental oxygen and laboratory tests and prescribed drugs to lower decedent's heart rate. Despite the medication, decedent's condition steadily deteriorated and her heart rate continued to rise. Her breathing became increasingly labored. At 4:00 a.m. on April 2, 1999, decedent was transferred to the ICU. At approximately 5:20 a.m. she became comatose and was intubated. Two weeks later, she was removed from life support and died.

Plaintiff alleged defendants failed to: (1) appropriately monitor decedent's deteriorating condition; (2) appreciate that the increased heart rate was not from a primary cardiac event, but was the result of respiratory distress; (3) timely order arterial blood gases that would have revealed the extent of the respiratory distress; and (4) timely intubate the patient. Plaintiff asserted that, had intubation occurred within a reasonable amount of time, decedent likely would have survived.

Defendant hospital asserted that its staff timely and appropriately notified the attending physician of all significant changes in decedent's condition. Defendant physician claimed all reasonable steps were taken to timely respond to her deteriorating condition and there was no medical indication for intubation because decedent was alert, oriented and assisting in her treatment until shortly before she coded.

**Plaintiff Profile:** Plaintiff was a married female in her late 40's.

**Alleged Injury:** Death as a result of failure to diagnose and treat respiratory distress. Decedent was survived by her husband, two adult children and one minor child.

**Case Number:** WITHHELD

**Editor's Notes:** Due to a confidentiality agreement, the court location was not disclosed. For the purpose of publication, the county in which plaintiff's attorneys are located was used as the court location.

## Arlington County, VA

### Circuit Court

## Doctor and Hospital Settle Wrongful Death Claim

#### Case Caption:

Jane Doe v. Anonymous Physician and Anonymous Hospital

**Settlement:** \$675,000

**Judge:** N/A

**Settlement Date:** 6/2006

#### Attorneys:

**Plaintiff:** William E. Artz, Arlington  
Andrew J. Waghorn, Arlington  
Richard R. Nageotte, Stafford

**Defendant:** Withheld

**Facts:** The family of a woman who died after her medical providers allegedly failed to recognize her deteriorating condition