

**MEDICAL MALPRACTICE:** Failure to diagnose post partum cardiomyopathy, leading to congestive heart failure and heart transplant.

**PARTIES:** Leslie Thorne v. David Glick, M.D. and Virginia Peninsula Emergency Physicians, Inc.

**JURISDICTION:** Newport News Circuit Court

**VERDICT:** \$4 Million

**ATTORNEYS:**

For the Plaintiff: William E. Artz, Esq.  
Amberly Hammer, Esq.  
Andrew J. Waghorn, Esq.

For the Defendants: Rodney Adams, Esq.  
Donna Foster, Esq.

**CASE SUMMARY:** On 2/27/05 Leslie Thorne, age 25, gave birth for the first time. On 6/11/05, Ms. Thorne went to the emergency room at Sentara Port Warwick complaining of chest pain, shortness of breath, and a cough. A chest x-ray revealed an enlarged heart. Dr. Andrew Cole diagnosed Ms. Thorne with bronchitis, ordered a nebulizer treatment, and discharged the patient.

On 7/5/05, Ms. Thorne returned to the ER at Sentara Port Warwick complaining of the same symptoms, with the addition of nausea, vomiting, and diarrhea. A chest X-ray, again, revealed an enlarged heart. Dr. William Hunter diagnosed Ms. Thorne with a viral illness and discharged her on medication to treat her nausea.

On 7/13/05, Ms. Thorne went to the ER at Mary Immaculate Hospital. She complained of chest pain, shortness of breath, and fatigue. Physical examination revealed swelling in her legs. For the third time, a chest X-ray showed an enlarged heart. An EKG was abnormal. It was noted that Ms. Thorne had delivered a child in February and had recently been seen in Sentara Port Warwick's ER on two occasions for the same symptoms. Dr. David Glick diagnosed Ms. Thorne with hepatitis based on elevated liver enzymes, and discharged her on medication to reduce fluids in her body with instructions to follow-up with her primary care physician in one week.

On 7/18/05 Ms. Thorne was evaluated in the emergency room at St. Agnes Hospital in Baltimore, Maryland where she was diagnosed with post-partum cardiomyopathy. Post partum cardiomyopathy is a viral, or immunological, disorder that attacks the heart within one month prior to delivery or within 5 months after delivery. On arrival to St. Agnes, Ms. Thorne was in congestive heart failure. Attempts to treat her medically failed and Ms. Thorne was transferred to the University of Maryland Hospital where she underwent a heart transplant.

This case went to trial against Dr. Cole, Dr. Hunter, and Dr. Glick. On the third day of trial, however, defense counsel requested to withdraw because a conflict regarding expert testimony arose among his clients. The trial judge indicated his intention to grant a mistrial unless the Plaintiff's counsel resolved the conflict by non-suit. The Plaintiff chose to non-suit two of the defendants and proceed against only one. The Plaintiff's experts testified that Leslie Thorne presented with classic symptoms of post partum cardiomyopathy. They also testified that Dr. Glick breached the standard of care by failing to obtain a cardiology consult or order an echocardiogram. Had Dr. Glick taken either action, Ms. Thorne's congestive heart failure likely would have been diagnosed and treated with medication without the need for a heart transplant.

The Defense experts testified that there were sufficient signs of hepatitis to support Dr. Glick's working diagnosis and the absence of some tell-tale signs of cardiomyopathy. The Defense experts also testified that a heart transplant could not be avoided regardless of whether Dr. Glick diagnosed cardiomyopathy on 7/13/05. The jury was out for less than 3 hours and returned a verdict for \$4 Million.

Ms. Thorne will likely require a second heart transplant in the future. She will also require annual biopsies of the heart and expensive anti-rejection medication for the rest of her life. Leslie Thorne has one child and is about to be married. Past medical bills totaled approximately \$456,000.00. There was no lost wage claim.