

# IN BRIEF

*In  
This  
Edition*

**Medical  
Malpractice  
Claims and  
Recent  
Settlements**

**Auto Accident  
Claims and  
Recent  
Settlements**

**Pain Pump  
Claims**

**Hernia Mesh  
Product  
Recalls**

**Medtronic  
Lead  
Litigation**

## MEDICAL MALPRACTICE CLAIMS: WHAT YOU NEED TO KNOW

The law firm of **Alley, Clark & Greiwe** continues its solid reputation of representing victims of medical malpractice. Our attorneys have an average of 25 years of experience in litigating medical malpractice cases, and our past successes and reputation are more valuable than ever when we prosecute a medical malpractice claim. Medical negligence or “malpractice” occurs when a physician or healthcare provider either fails to do something that should have been done or does something that should not have been done with a resulting injury or death. Doctors and other healthcare providers must follow certain standards when caring for patients. While a simple mistake is not sufficient to constitute malpractice, a death or injury caused by the failure to meet minimum standards of care does constitute

medical malpractice. Significant changes in Florida law have created caps on damages and have set up new obstacles to bringing bad faith claims against insurance carriers. In addition, tort reform has attempted to reshape the civil justice system to the benefit of insurance companies and corporate America. Nowhere is the success of tort reform efforts more evident than in the medical malpractice arena. Tort reform efforts have been significantly underwritten and financed directly and indirectly by insurance companies. Ironically, it is these very insurance companies who have profited on the premiums paid by doctors. We urge you and your family to seek legal advice immediately if you suspect that you or a loved one may have been a victim of medical malpractice.

## RECENT MEDICAL MALPRACTICE SETTLEMENTS

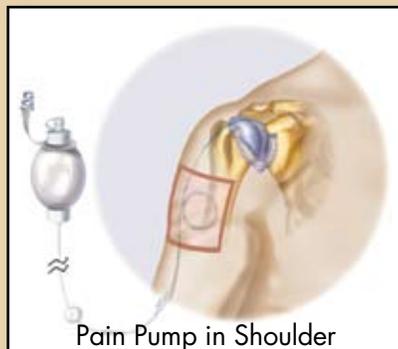
The diverse nature of the following claims that we have favorably resolved by settlement or trial in recent years represents not only the breadth of our experience, but more importantly represents the types of claims that we see over and over and over and over again in our practice:



- ♦ Delayed diagnosis of **ruptured appendix** ♦ Surgical error during **laparoscopic gall bladder surgery** ♦ Undiagnosed abdominal **aortic aneurism** resulting in death ♦ Delayed diagnosis lower extremity **compartment syndrome** ♦ Excessive prescribing of pain medication resulting in **addiction** ♦ Failure to diagnose post-surgical **internal bleeding** resulting in death ♦ Inadequate response to **allergic reaction/anaphylactic shock** resulting in death ♦ Untimely response to **bowel injury** following laparoscopic gynecological surgery ♦ Failure to submit tissue for biopsy resulting in **delayed cancer diagnosis** and death ♦ Failure to timely diagnose **impending myocardial infarction** resulting in heart attack ♦ **Failure to review diagnostic film** suspicious for malignant mass and suggestive follow-up ♦ **Improper placement of an IV** into the top of a foot leading to partial amputation of the foot ♦ Failure to assess potential for future **seizure activity after head trauma** leading to brain damage ♦ Failure to diagnose **embolization** of the digital vessels of right hand resulting in amputations of fingers ♦ Failure to assess coagulation status prior to an epidural steroid injection resulting in an **epidural hematoma and paralysis**

## PRODUCT LIABILITY LITIGATION – IMPORTANT UPDATES

### Portable Pain Pump Catheters



Medical studies now suggest that portable joint pain pumps given to patients to wear for a few days following joint repair surgery may deliver too much medication directly into the surgical joint space and are the likely cause of chondrolysis, a painful and permanent condition resulting from the disintegration of cartilage covering the bones in the synovial joints. Symptoms of chondrolysis include joint weakness, stiffness, severe pain, decreased range of motion, and clicking, popping or grinding of the joint when the joint is in motion. To date, the only treatment for chondrolysis is joint replacement. The law firm of **Alley, Clark & Greiwe** is currently investigating claims of patients who have received a pain pump following joint repair surgery and have developed symptoms of chondrolysis. Please contact us for important information regarding your legal rights.

### Kugel Hernia Mesh Patches

The law firm of **Alley, Clark & Greiwe** is currently investigating cases involving the recall of certain hernia mesh products manufactured by Davol, Inc. The defective hernia mesh repair products have been associated with bowel perforations, abdominal wall punctures or tears, adhesions, and abnormal connections between intestinal organs. Unfortunately, these problems usually require additional medical care or surgery. If you or a loved one have been injured by a recalled hernia patch, or if you are experiencing the symptoms associated with hernia patch failure, you may have a claim against the manufacturers of these recalled hernia patches. Please contact us for more information about your legal rights.



### Medtronic Sprint Fidelis Defibrillation Lead Recall



In October of 2007, Medtronic announced that it was suspending sales of the Sprint Fidelis lead due to a flaw that can lead the device to malfunction. The Sprint Fidelis lead, which connects a defibrillator to the patient's heart, can fracture inside a patient's blood vessel and deliver a massive electrical jolt. Recalled Medtronic Sprint Fidelis Leads identification numbers begin with 6930, 6931, 6948 or 6949. Patients who require the removal of a fractured device face a dangerous surgical procedure to replace the defective leads. **Alley, Clark & Greiwe** is one of only a handful of firms that are involved in the Medtronic lead litigation. Please contact our office immediately if you or someone you love has received a Medtronic lead.

## AUTO ACCIDENTS: WHAT YOU NEED TO KNOW

Motor vehicle accidents in Florida come under a plan described as “Modified No-Fault”. This plan means if you have been in an accident, you look to your own insurance company under the Personal Injury Protection coverage (PIP) to pay for your medical expenses and lost wages. In other words, the PIP coverage provided by your policy is “primary.” If you have not been seriously injured, this is how you are compensated regardless of any fault that caused the accident. As long as your insurance company pays for reasonably necessary medical treatment and your calculated lost wages as required by your PIP coverage, then you should not need to hire an attorney. If you are injured but your injuries resolve with no permanent consequences, then Florida law prohibits any tort claim against the “at fault” driver.

If your accident results in serious injuries that lead to a permanent impairment or death and the accident was not your fault, then you should hire an attorney to protect your legal rights. Under these circumstances, Florida law allows you to make a claim against the

at-fault driver or vehicle owner and recover medical expenses or lost wages not paid by your PIP coverage. More importantly, you are also allowed to make a claim for pain and suffering, mental anguish, loss of capacity for the enjoyment of life, lost earning capacity, any physical impairment of disability, and other damages. We hope that you will contact the law firm of **Alley, Clark & Greive** for a free consultation regarding your legal rights if you or a loved one has been injured in an automobile, truck, or motorcycle accident.



## RECENT SETTLEMENTS IN AUTO ACCIDENT CASES

**\$985,000.00 settlement** reached in an auto accident claim brought by the surviving spouse of her husband who was killed when he failed to see a knocked down Stop sign caused by a garbage truck driver who was aware he backed over the sign but left the scene.

**\$900,000.00 settlement** reached in an auto accident claim brought by a commercial pilot and his family who were hit in a head-on-collision.

**\$350,000.00 Settlement of Auto Accident** claim brought by a driver who went through an intersection in the early morning hours and hit logs that were extended from the rear of a transport truck that did not clear the intersection with its entire load.

**\$196,000.00 settlement** reached in a claim brought by a cyclist who was hit by an automobile causing him to fall and suffer a significant break to his upper arm requiring significant surgeries.



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*Happy  
Holidays*

*The attorneys and staff at Alley, Clark & Greiwe  
wish you and your family a joyful holiday season  
in the coming weeks.*