

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

September, 2023

Statewide Jury Verdict Coverage - Published Monthly

23 A.J.V.R. 9

Alabama's Jury Verdict Reporter Since 2001

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Hospital Negligence - An elderly woman admitted to the hospital for removal of a benign tumor developed a pressure sore on her tail bone; after the sore became septic and the woman died, her estate blamed her death on the two hospitals where she had been a patient

Estate of Fagerstrom v. Mobile

Infirmiry, et al., 20-900001

Plaintiff: Kasie M. Braswell and D.

Brian Murphy, *Braswell Murphy, LLC.*, Mobile

Defense: W. Craig Hamilton and

Forrest C. Wilson, III, *McDowell*

Knight Roedder & Sledge, LLC., Mobile

Verdict: \$2,100,000 for plaintiff

(punitive damages)

Circuit: **Baldwin**, 3-16-23

Judge: C. Joseph Norton

On 10-29-18, the elderly Sylvia Fagerstrom was admitted to the Mobile Infirmiry Hospital for the removal of a small benign intracranial tumor. The surgery was uneventful, and the tumor was removed successfully. Following the surgery, Fagerstrom was sent to post-operative care.

Due to pre-existing medical conditions, Fagerstrom was at risk of developing skin breakdown and infections. During her time in post-operative care, Fagerstrom developed a pressure sore on her coccyx – i.e., tail bone. The sore was first noted in her chart on 11-4-18. On the following day it was noted again and was described as a “buttocks blister.”

Fagerstrom was transferred to the Rotary Rehabilitation Center within the Mobile Infirmiry facility the next day on 11-6-18. During her time there the sore was noted in her chart

on at least two separate occasions.

On 11-19-18 Fagerstrom was transferred back to the main hospital due to a urinary tract infection and altered mental status. At that time a wound consult was ordered, and it was noted that the size of the sore had grown and that Fagerstrom’s albumin levels were low.

The sore continued to increase in size over the next eleven days. On 11-30-18 Fagerstrom was discharged from the Mobile Infirmiry Hospital to a long term nursing facility called Diversicare of Foley. Again, the sore continued to worsen and increase in size until it finally became necrotic.

Fagerstrom’s condition became so serious that she was admitted to Thomas Hospital on 12-20-18. It would later be alleged that while she was there, the nursing staff at Thomas Hospital failed to turn her every two hours as required by the standard of care.

Fagerstrom was discharged from Thomas Hospital on 1-3-19. However, she was readmitted eighteen days later on 1-21-19. Fagerstrom’s wound became septic, and she continued to deteriorate until she died ten days later on 1-31-19.

Fagerstrom’s estate, administered by her husband, Wayne Fagerstrom, filed suit against Mobile Infirmiry, Thomas Hospital, Diversicare of Foley, and Diversicare Management Services Company, Inc. The estate blamed defendants for failing to manage Fagerstrom’s condition, allowing her to develop a pressure sore, and then failing to treat the sore appropriately, all of which resulted in her death. Wayne Fagerstrom also

telemetry to monitor his heart activity. The concern was that given Alhelwani's symptoms and history, he could develop atrial fibrillation and go into cardiac arrest. Telemetry would alert the medical staff if that should happen so they could deal with the emergency promptly.

Dr. Quansah's written order was entered at 11:37 am. Unbeknownst to anyone, a "Managed Transfer Order" was entered just eight minutes later. Apparently, this had the effect of inadvertently overriding Dr. Quansah's order. As a result, no telemetry was placed.

Dr. Quansah did not check Alhelwani's chart to ensure the telemetry order had been carried out. He later saw Alhelwani at 4:30 pm for some fifteen to twenty minutes. During that time Dr. Quansah did not examine Alhelwani to determine whether he was on telemetry.

The following day in the early morning of 2-10-16, Alhelwani was found unconscious on the floor. He was not breathing and was in respiratory and cardiac arrest. He had been in this condition for long enough that he had suffered an anoxic brain injury. Alhelwani died twelve days later on 2-22-16.

Alhelwani's estate filed suit against Dr. Quansah and Decatur Morgan Hospital and blamed them for Alhelwani's death. According to the estate, the hospital should have carried out Dr. Quansah's order for telemetry, and Dr. Quansah himself should have taken steps to ensure that his order was carried out. The identified experts for the estate included Dr. Jotesh Chug, Hospitalist, Ames, IA.

Dr. Quansah and Decatur Morgan Hospital defended the case and denied any breach of the standard of care. They also disputed the issue of causation and argued that Alhelwani most likely died from a pulmonary embolism rather than from atrial

fibrillation.

This distinction was significant because a pulmonary embolism would not have been detected by telemetry. Thus, even if telemetry had been placed, it would not have changed the outcome. The identified defense experts included Dr. John Galla, Cardiology, Mobile; and Dr. Kevin Sublett, Cardiology, Alexander City.

The case was tried for six days in Decatur. The jury returned a verdict for Dr. Quansah and Decatur Morgan Hospital. The court entered a defense judgment.

Case Documents:

[Jury Verdict](#)

[Final Judgment](#)

Breach of Contract - The plaintiff signed a deal in the first days of Covid-19 to import medical-grade masks and paid a supplier \$6.6 million to import them from China – there was snafu after snafu, and the masks weren't delivered, the plaintiff subsequently suing in this contract action

Harrison, et al. v. Forde, 1:20-360

Plaintiff: Harlan F. Winn, III and Robert E. Battle, *Battle & Winn*, Birmingham

Defense: Thomas M. O'Hara, *O'Hara Law Firm*, Daphne, AL

Verdict: \$1,100,000 for plaintiff;

Defense verdict on counterclaim

Federal: **Mobile**, 8-18-23

Judge: Katherine P. Nelson

The world was in chaos in March of 2020. A novel virus, Covid-19, had created a worldwide panic as declared by the WHO. Masks and PPE were in great demand. In this chaos there was great opportunity.

William Hamilton, individually and as the owner of Cathexis Holdings, moved to fill the mask market. Hamilton (a Texan) contracted with Steve Forde (a Baldwin County, AL resident) to buy

3 million masks in April 2020. The purchase price was \$6.6 million. Within days of reaching a deal, Forde demanded the \$6.6 million so that the masks (they were waiting to ship from China) could be airlifted to the United States. Hamilton wired the money.

Almost right away there was a problem with the first order of masks. They'd been committed to another buyer. Forde too had transferred significant sums of the \$6.6 million to his personal accounts. Over the next several months Hamilton and Forde had discussions. There were demands and responses and at one point, Forde refunded \$1.1 million to Harrison.

Forde also continued to try to fill the contract but couldn't find masks from a supplier that was approved to ship medical-grade masks. Ultimately the deal broke down. Forde didn't deliver any masks. Harrison and his company were out the remaining \$5.5 million.

Harrison and Cathexis sued Forde in this federal lawsuit and alleged a variety of counts related to the collapse of the deal. Those counts included contract and fraud. The crux of the case was that Forde took the money and failed to deliver masks. Forde replied that he had worked (in his words) "tirelessly" to find FDA-approved masks. He filed a counterclaim to be compensated for those efforts.

This case was tried for several days before Magistrate Judge Nelson. Judge William Steele had handled most of the pre-trial procedure in the case.

The jury's verdict was apparently for Harrison. The word "apparently" is key here because the jury verdict is not a part of the court record. It is not sealed or private. The court simply didn't make it a part of the record.

However, the judgment indicates