

COMMONWEALTH OF KENTUCKY
McCRACKEN CIRCUIT COURT
CIVIL ACTION NO. 15-CI-00362
DIVISION NO. I

ROXANNE PRIDEMORE, INDIVIDUALLY AND AS ADMINISTRATRIX
OF THE ESTATE OF LARRY S. PRIDEMORE, SR.

PLAINTIFF

v.

DEFENDANT STEVEN J. MCCULLOUGH'S

TRIAL BRIEF

(Electronically filed)

MERCY HEALTH PARTNERS-LOURDES, INC.;
D/B/A LOURDES HOSPITAL, INC.;
STEVEN J. MCCULLOUGH, DO
MERCY HEALTH PHYSICIANS KENTUCKY, LLC,
D/B/A LOURDES PHYSICIAN SERVICES, LLC; AND
JACKSON PURCHASE MEDICAL ASSOCIATES, PSC

DEFENDANT

Defendant, Steven J. McCullough, by counsel, serves the following Trial Brief in advance of the pre-trial conference on May 19, 2022. Trial is scheduled to begin on June 20, 2022.

I. Background

Patient was admitted to Lourdes Hospital on May 21, 2014, after having left Trigg County Hospital, against medical advice. He had a history of hypertension, hyperlipidemia, diabetes, Stage III renal failure, and a recent history of falls. He was admitted to the hospitalist service, and that is how Dr. McCullough became involved in his care.

On the night of the incident, his wife Roxanne Pridemore contended that someone at the hospital removed her husband's oxygen. He became unresponsive and Mrs. Pridemore ran out of the room yelling for help. The hospital was able to reestablish a pulse, but the patient suffered a brain injury. His family decided on May 27, 2014, to remove him from life support. Mrs. Pridemore now argues that Dr. McCullough overprescribed sedatives to her husband which precipitated a catastrophic event.

The medical records indicate that the wife had asked for permission to be with her husband by sleeping in the adjoining bed and that approximately 20 minutes before his demise, the patient was asleep, and in good condition. Shortly thereafter, the wife came running out of the room, talking to someone on her cell phone, yelling that the hospital had killed him. When the nursing staff entered the room, despite the fact that the patient was in physical restraints because of his prior activities, his oxygen had been removed, and despite vigorous code activities, life support was ultimately withdrawn on May 27.

II. Standard of Care Issue

Plaintiff alleges that Mr. Pridemore was inadequately monitored and the administration of the medication, Ativan and Haldol, resulted in respiratory depression.

John Mattern, DO., expert for Dr. McCullough, was deposed by opposing counsel on April 21, 2022. Dr. Mattern practices as a hospitalist and is board certified in Internal Medicine. After reviewing all medical records and depositions available, Dr. Mattern specifically stated that the dosages of Ativan and Haldol were not sufficient to have caused severe respiratory distress and were not the cause of his death.

The deposition of Glenn E. Farr, Pharm. D., expert for Lourdes Hospital, was taken by opposing counsel on May 2, 2022. Dr. Farr also testified that the dosage of Haldol and Ativan was proper for both drugs, and neither drug, nor the combination, were the cause of Mr. Pridemore's death.

Mr. Pridemore's death was indeed tragic, but not caused by the any negligence on the part of Dr. McCullough. Mr. Pridemore had multiple medical conditions and was being closely monitored. His wife was with him and nurses followed his condition constantly. He was non-compliant and removed monitors and was restrained appropriately. No autopsy was performed and

it is impossible to prove his cause of death. Moreover, the medications provided were appropriate and would not have caused his death. The jury will be asked whether Dr. McCullough provided the type of care to Mr. Pridemore that would be expected of a reasonably prudent hospitalist and if not, was the failure a substantial factor in causing his death. Appropriate instructions are being filed contemporaneously with this brief.

III. Damages Claims

Plaintiff seeks damages for medical expenses, pain and suffering and lost spousal consortium. Mr. Pridemore's health would mitigate any loss of value to the estate. In reality, his poor health and likely eminent death without this event would seem to limit the economic value of this claim minimal.

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CERTIFICATE OF SERVICE

I hereby certify that this 17th day of May, 2022, I electronically filed the foregoing with the Clerk of the Court by using the Kentucky Court of Justice e-filing website, which will send a notice of electronic filing to the following:

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/s/ E. Frederick Straub, Jr., Esq.
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