

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

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Statewide Jury Verdict Coverage

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Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Tennessee including court, division, presiding judge, parties, case number, attorneys and results.

Medical Negligence - A hospital nurse was criticized for not performing hourly exams of a patient with a suspected MI who was undergoing TPA therapy -- plaintiff linked a catastrophic brain injury to the treatment delay

Ball v. Centennial Medical Center,
02-3445

Plaintiff: Joe Bednarz, Sr., *Bednarz & Bednarz*, Nashville

Defense: C.J. Gideon, Jr. and Brian Cummings, *Gideon & Wiseman*, Nashville

Verdict: Defense verdict

County: **Davidson**

Judge: Walter C. Kurtz
11-24-04

On the evening of 10-22-98, Stephen Ball, then age 48, was taken to Nashville Memorial with symptoms of an apparent heart attack. His cardiologist, Dr. Byron Jones, ordered thrombolytic therapy (TPA), also transferring Ball to Centennial Medical Center. He arrived at Centennial at 9:15 p.m.

Again at Centennial, Jones ordered that the TPA treatment continue. Kristy Payne, a Centennial nurse, monitored Ball through the night. At 3:00 in the morning, Payne saw Ball get up to go to the bathroom. He seemed lethargic.

An hour later, he was found unresponsive in his room. He had sustained a serious cranial bleed. Promptly he was taken in for a emergency craniotomy. Despite the intervention, Ball sustained a catastrophic brain injury.

Beyond losing a portion of his skull,

Ball now requires a feeding tube. He is also incontinent, requiring full-time care. Ball is unable to walk or talk -- he can ambulate small distances with a walker. His life care plan was quantified by Linda Dierking, Louisville, KY -- an economist for Ball was Gilbert Mathis, Murray, KY.

In this lawsuit, Ball alleged negligence by Nurse Payne in failing to monitor him through the night. Particularly, the standard of care during TPA therapy required that Ball be seen every hour. This was not done and making matters worse, when Ball was seen as lethargic at 3:00 a.m., Payne did not intervene. Plaintiff further developed that with prompt intervention, the brain injury was avoidable. Experts for Ball were Dr. Allen Elster, Neuroradiology, Winston-Salem, NC, Dr. Daniel Laskowitz, Neurology, Durham, NC and Dorothy Cooke, RN, St. Louis, MO.

Payne and her employer, Centennial, defended the case and denied negligence. The defense also focused on causation, relying on Dr. Kenneth Mahaffey, Cardiology, Durham, NC -- Mahaffey was a key principal in a study of intracranial hemorrhage that follows TPA. Mahaffey explained that Ball's result was simply a complication -- unfortunately, the TPA study indicated that regardless of the timing of intervention, when this sort of hemorrhage develops, death or serious disability almost always result. Thus, per Centennial, Ball's brain injury was a complication of the TPA therapy that was unrelated to Payne's monitoring.

A jury in Nashville exonerated Nurse Payne and vicariously, her employer, finding the nurse had deviated from the standard of care. Having so found, the panel did go on to consider causation