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Representative Cases List – Medical/Surgical

General Surgery

Patricia Creech and William Creech v. Surgery South, P.C. and Srinivasa K. Gorjala, M.D.; (Superior Court of Clayton County); Pending case as of August 2013, alleging failure to resect rectal cancer. Plaintiff alleges that Dr. Gorjala resected incorrect segment of colon by failing to identify ink stain done by gastroenterologist to mark the lesion.

Walter Brooks and Dr. Antoinette Brooks v. Emory Dunwoody Medical Center, a Division of Emory Healthcare, Inc., Gray & Macik, P.C. and Dr. Paul Macik; (Superior Court of DeKalb County); Plaintiff alleged that Dr. Macik failed to timely diagnose and treat a post-operative infection following appendectomy, resulting in sepsis and post-operative complications. Summary judgment was filed on behalf of Dr. Macik, and case was ultimately dismissed by plaintiff. No money paid on behalf of the defense.

Allison K. Holloway, as next of Kin of Decedent Deborah Holloway v. Timothy Brant Gilrane, M.D., Aga, LLC d/b/a Atlanta Gastroenterology Associates P.C. and/or Atlanta Gastroenterology Associates, L.L.C.; Manohar Nanjaiyya, Nallathambi, M.D.; Surgery South, P.C.; Hitesh Ramesh Chokshi, M.D.; Ruth Rodriguez Sarmiento, M.D.; Georgia Cancer Treatment and Hematology Center, P.C.; Premier Hematology and Cancer Care, P.C.; Daniel, Thomas Mcdevitt, M.D., Peachtree Vascular Specialists, P.C.; Indran B. Krishnan, M.D., a/k/a Bhuvanendram Indrakrishnan, M.D.; Gwinnett Digestive Clinic, L.L.C.; South Atlanta Radiology Associates, P.C., and Southern Regional Health System, Inc., d/b/a/ Southern Regional Medical Center; (Superior Court of Fulton County); Represented general surgeon where plaintiff alleged a failure to timely diagnose and treat mesenteric ischemia. Mesenteric ischemia resulted in dead bowel tissue and thrombotic complications leading to small bowel transplant and other medical complications. Case resolved via a confidential settlement.

Neurosurgery

Jamie Peterson v. Paul K. King, M.D. and Metro Atlanta Neurosurgery, P.C.; (State Court of Fulton County); Pending case as of August 2013, alleging neurologic complications as a result of neurosurgeon attempting arteriotomy to repair occluded iliac artery encountered during lumbar spine fusion surgery.

Melanie J. Rivas and Pedro Rivas v. Ronson Hughes, M.D., Alan D. Davis, M.D., Southern Orthopaedic Specialists, LLC, Sandea A. Greene-Harris, M.D., South Atlanta Neurosurgery, Pc, Metro Atlanta Neurosurgery, PC, and Woody J. Francis, M.D.; (State Court of Fulton County); Represented neurosurgeon in case alleging failure to timely operate on patient with Cauda Equina syndrome, resulting in permanent neurologic deficits including bowel and bladder incontinence. Plaintiff voluntarily dismissed case just before trial.

ENT Surgery

Clifford Feiner, M.D., Lisabeth Feiner, Individually, and a Ariana Danielle Feiner v. Andrew Robert Golde, M.D. (a.k.a. Andris R. Golde, M.D.), and Advanced Ear Nose and Throat Associates, P.C.; (State Court of Fulton County); Represented ENT Surgeon who removed thyroid gland due to Grave's Disease. Following thyroidectomy it was discovered that four parathyroid glands had been inadvertently removed, resulting in permanent hypoparathyroidism and associated medical complications. Case resolved via confidential settlement just before trial.

Psychiatric

Clarence Roy Stauffer, III, Individually and as Next of Kin of Melanie Stauffer, Deceased, and As representative of The Estate of Melanie Stauffer, and for the use and Benefit of the wrongful death Beneficiaries of The Estate of Melanie Stauffer, Deceased v. Richard LaPlante, M.D., Jeffrey Winston, M.D. and Charter Peachford Behavioral Health System, Inc.; (Superior Court of Hall County); Case involving patient suicide one month after being discharged from psychiatric facility. Represented psychiatrist who allegedly failed to properly diagnose and treat patient's psychiatric disorder, and discharged her from facility prematurely. Court granted defendant's motion for summary judgment based on the absence of evidence sufficient to conclude a causal relationship between patient's suicide and care provided by defendant one month earlier.

Pain Management

Ashley B. Elder and Aaron B. Elder as authorized co-Administrators of the Estate of Brett Alan Elder; Ashley B. Elder, individually and as Surviving Daughter of Brett Alan Elder; and Aaron B. Elder, individually and as Surviving Son of Brett Alan Elder v. Georgia Pain Physicians, P.C., Georgia Pain Surgical Centers, Inc., John Does and Jane Does; (Superior Court of Cobb County); Wrongful death lawsuit alleging failure to properly monitor pain management patient who was prescribed Fentanyl/Duragesic patches. Patient died of Fentanyl toxicity. Case resolved via confidential settlement.

Obstetrics & Gynecology

Heather Patricia Golden, Individually and as Guardian of her minor child Rowan Golden vs. Dr. Alvin L. Sermons, M.D., Dunwoody Obstetrics & Gynecology and John Does (1-5), ABC Company, XYZ Company; (State Court of Fulton County); Case against Ob/Gyn alleging failure to timely perform C-section, resulting in vaginal delivery complicated by shoulder dystocia, causing neurologic deficits in infant. Plaintiff voluntarily dismissed case prior to trial.

Catherine MacDonald v. Gwinnett OB-GYN Associates, PC. Vonda Ware, M.D., Peter C. Mann, M.D., Stuart R. Hart, M.D. And Ann Jaworowicz; (Superior Court of Gwinnett County); Case against Ob/Gyns alleging wrongful birth based on claim that physicians failed to diagnose pregnancy, and plaintiff claimed she did not know she was pregnant – patient then delivered baby at home over toilet. Claims included that plaintiff was not provided appropriate pre-natal care. Defendants filed motion for summary judgment as to all claims, and plaintiff dismissed case prior to final ruling.

Nichelle Johnson, Individually and as the Natural Parent of Ja'Nyla Jones, Deceased and Nichelle Johnson as Administratrix of the Estate of Ja'Nyla Jones, Deceased v. Sharon Harley, M.D., P.C., d/b/a Atlanta Women's Specialty Group; Atlanta Perinatal Associates, P.C.; Lisa M. Price, M.D.; Sharon A. Harley, M.D.; Chukwuma I. Onyeije, M.d., Sherida Brown, CNP; Rolanda Williams, M.A.; John Does, M.D. 1-2; John Does, P.A./CNP/M.A., 1-2; Jane Does, P.A./N.P./M.A., 1-4; and XYZ corp. 1-2 (Superior Court of DeKalb County); Pending case as of August 2013, alleging that Ob/Gyns failed to timely diagnose and treat pre-eclampsia, leading to uncontrolled hypertension and placental abruption, and stillborn fetus.

Emergency Medicine

Karla Rae Habberfield, Individually, and as the Legal Representative of the Estate of Dean Alan Habberfield, Deceased, v. William Stanley Arnold; Winston H. Gandy, Jr., The Atlanta Cardiology Group, P.C., Jannie K. Barkhuizen, M.D.; Richard C. Cory, M.D., Roswell Radiology Associates, and Jerome I. Silver, M.D.; (State Court of Fulton County); Represented emergency physician in case alleging failure to complete diagnostic workup that would have revealed aortic aneurysm, and allegedly would have prevented rupture causing death. Case was dismissed as to emergency physician Dr. Barkhuizen following jury selection for trial, with no money paid.

Janice D'Orlando, Individually, and As Executor of The Estate of Leonard D'Orlando v. Michael Hagues, D.O., Michael Hagues, P.C., Emergency Medical Specialists of Columbus, P.C. Basic Trauma Life Support of Georgia, Inc.; (State Court of Muscogee County); Represented emergency physician in wrongful death case where patient presented to emergency department after a fall. Work-up in ER was unremarkable and patient was discharged, returning next day with cerebral hemorrhage. Allegation against emergency physician was that he failed to obtain CT scan when patient initially presented. Case resolved via confidential settlement.

Medication Exposure

Jacob Conner Vinnacombe by next friends and guardians Marcie A. Vinnacombe and Kenneth M. Vinnacombe and Marcie A. Vinnacombe and Kenneth Vinnacombe, Individually; (Superior Court of Fayette County); Represented Ob/Gyn who diagnosed woman with a corneal ectopic / non-viable pregnancy. Treatment with Methotrexate was administered to terminate the non-viable pregnancy. Following use of Methotrexate it was determined that pregnancy was a viable uterine pregnancy, and baby was born with complications consistent with Methotrexate toxicity. Case resolved via confidential settlement.

Terri Franklin and Komarta Gorman, individually and as parents and next friends of Kendyl Gorman, a minor v. Dunwoody Obstetrics And Gynecology, P.C. and Alvin Sermons, M.D.; (State Court of DeKalb County); Case pending as of August 2013. Representing Ob/Gyn who instructed patient to stop taking Benicar for hypertension because of toxic effects on fetus. Patient disregarded physician instructions and continued taking Benicar, resulting in delivery of child with multiple medical problems.

Stroke

Aimee R. Goodman v. Sara Elizabeth Richards, M.D, the Emory Clinic, Inc., Emory University Hospital, Emory Healthcare, Inc. Emory Universityd/b/a Crawford Long Hospital, Crawford Long Medical Group, L.L.C., David Paul Williams, M.D., Peachtree Neurological Clinic, P.C.; (State Court of Fulton County); Represented neurologist in case alleging failure to diagnose and timely treat cortical vein thrombosis. Patient was treated and released, and it was alleged that clot extended into sagittal sinus causing stroke and neurologic deficits. Plaintiff dismissed the case one week before trial was scheduled to begin.

Bonnie Donahue v. Northside Hospital, Inc, Northside Anesthesiology Consultants, L.L.C., Mark Hamilton, M.D., Kimberly S. Ashley, R., Arista OB/GYN Associates, P.C. and Anissa Ahuja Durairaj, M.D. f/k/a Anissa Ahuja, M.D.; (State Court of Fulton County); Represented Ob/Gyn in case alleging failure to appreciate signs and symptoms suggesting cerebral vascular event in post-partum woman. Plaintiff alleged that failure to provide full diagnostic work-up following blood patch for headache led to cavernous sinus thrombosis, stroke, and neurologic deficits. Case resolved through nominal payment.

Pulmonology

Richard Coldwell and Dorylin Coldwell v. Nathan W. Lipsett, M.D., Praveen Rastogi, M.D., Usha G. Nayak, M.D. Pulmonary and Sleep Medicine Associates, LLP; (State Court of Clayton County); Represented pulmonologist where allegation was failure to timely intubate patient admitted for respiratory difficulties and pneumonia. Alleged that respiratory complications progressed and patient sustained a cardiac arrest. Case resolved via confidential settlement.

Sandra Harper, Individually and as the Administrator of the Estate of Kenneth Glenn Harper, Deceased, v. Michael Lamar Vick, M.D., Wellstar Physicians Group ENT LLC, d/b/a ENT Associates of North Georgia, Paul Zolty, M.D. And Georgia Lung Associates, P.C.; (State Court of Fulton County); Case pending as of August 2013. Representing pulmonologist in case alleging failure to timely protect airway in patient with neck mass.

Nursing Home

Kay L. Sutherland, surviving daughter of, and administratrix of the estate of, Leona Cunningham, vs. Lake City Nursing Home and Rehabilitation Center, LLC, Tariq Hussain Mirza, MD, Tariq H. Mirza, MD, Inc., Susan R. Snyder, and Kathy Joyce Walden; (State Court of Fulton County); Represented nursing home physician against allegations that he negligently cared for nursing home resident, leading to decubitus ulcers which became infected, resulting in allegation of wrongful death. Plaintiff dismissed case shortly before trial.