

MEDICAL MALPRACTICE

Given the ever-evolving regulatory atmosphere, health care providers face more challenges than ever. These challenges are so personal in nature that they shake providers to the core by questioning their standard of care. Armstrong Teasdale's Medical Malpractice defense lawyers have successfully represented health care providers, including hospitals, nursing homes and health care institutions, as well as physicians, physician groups, nurses, pharmacists and other medical professionals at all levels.

The firm's talented team of trial lawyers, licensed in multiple states, includes a fellow of the American College of Trial Lawyers, former RNs and medical staff, former judges and federal investigators with decades of combined clinical experience in various areas of medicine. We have the deep technical knowledge and legacy of success to confidently challenge claims before state and federal courts, as well as medical and professional boards. In addition to our in-house medical experience, we rely on world-renowned consultants to further evaluate and defend pending and threatened litigation. Our deep bench has a reputation for handling high-stakes, high-value matters for clients in the courtroom. Our aggressive, strategic approach has generated more than 30 top-ranking plaintiff and defense verdicts in Missouri alone in recent years.

Our trial lawyers handle medical malpractice and wrongful death cases of all kinds, including those related to:

- Claim investigations
- Emergency care
- Failure to obtain informed consent
- Hospital and home health nursing
- Long-term care facilities and rehabilitation centers
- Medical devices
- Misdiagnosis and resulting injury or death
- Obstetrical cases including cerebral palsy, hypoxic-ischemic encephalopathy, birth traumas, birth defects and deaths
- Pharmaceuticals
- Primary care/internal medicine
- Privacy and data security
- Electronic medical records
- Regulatory compliance
- Specialty areas (cardiology, endocrinology, hematology, immunology, neurology, pathology, pediatrics, radiology, obstetrics-gynecology, oncology, ophthalmology, etc.)
- Surgical care

EXPERIENCE



Summary Judgment Affirmed for Health Care Client in IVF Services Dispute

Represented a regional hospital system in a medical malpractice dispute arising from in vitro fertilization services provided to a then-husband and wife. When it was revealed the wife had substituted the husband's semen sample for that of another man, the husband and the surrogate who carried the baby filed suit in St. Louis County Circuit Court. The Missouri Court of Appeals for the Eastern District affirmed an order granting summary judgment in favor of the defendants.

Defense Verdict in \$5.2 Million Medical Malpractice Case

Obtained a defense verdict in favor of a St. Louis orthopedic surgeon in a medical malpractice case involving an alleged failure to properly diagnose and treat cervical myelopathy, leading to plaintiff requiring a wheelchair. The plaintiff sought \$5.2 million in damages. After 20 minutes of deliberations, the jury returned a unanimous defense verdict.

Defense Verdict in Favor of Orthopedic Surgeon

Obtained a defense verdict in favor of a St. Louis orthopedic surgeon in a medical malpractice case involving an alleged failure to properly diagnose and treat a tibial plateau stress fracture. The plaintiff sought \$500,000 in damages. After an hour of deliberations, the jury returned a defense verdict.

Privileged Nature of Patient Safety Organization Materials Confirmed by Federal Court

During representation of an Illinois hospital system in a contentious medical malpractice case, obtained an order from a federal court judge confirming the privileged nature of Patient Safety Organization materials. This order has wide-ranging effects not only in Illinois but in federal and state courts nationwide.

Favorable Settlement in Multimillion-Dollar Wrongful Death Claim

Obtained a favorable settlement in Jackson County, Missouri, in a wrongful death case seeking punitive damages involving allegations of failure to timely treat bowel perforation.

Defense Verdict in \$2.5 Million Medical Malpractice Case

Obtained a defense verdict in favor of a St. Louis hospital in a medical malpractice case involving a man in his 50s who developed respiratory failure in the Hospital following a cardiac catheterization for atrial fibrillation. The plaintiff sought \$2.5 million in damages. After two hours of deliberations, the jury returned a defense verdict.

Defense Verdict in Wrongful Death Case

Obtained a defense verdict in favor of a radiologist and his practice group in a wrongful death case involving an alleged misread of a CT scan and alleged failure to diagnose mesenteric ischemia. The plaintiff sought \$1.5 million in damages. After an hour of deliberations, the jury returned a unanimous defense verdict.

Defense Verdict for Health Care Client

Secured a complete defense verdict for client hospital in an IV infiltration case. The plaintiff claimed that, as a result of a contrast extravasation into her right arm during a CT scan, she developed a blister and loss of muscle strength in the arm as well as post-traumatic stress disorder. The plaintiff claimed the client and its employed radiology technician was negligent in timely turning off the contrast after the plaintiff began yelling in pain. Following the three-day jury trial in St. Louis County Circuit Court, the jury ultimately returned a defense verdict.

Jury Verdict for Doctor in Malpractice Case

Secured a defense verdict for a physician in a medical malpractice suit. The plaintiff, a 33-year-old male, alleged that the defendant doctor injured his superior mesenteric artery during surgery to remove a tumor, which left him with short gut syndrome. He filed suit seeking in excess of \$2 million in past economic damages, and up to \$850,000 in non-economic damages. Following a one-week jury trial in Jefferson County Circuit Court, the jury found the client was without fault in the matter.

Defense Verdict in \$3.5 Million Medical Malpractice Case

Obtained a defense verdict on behalf of a medical center in a medical malpractice case involving an alleged failure to properly perform an epidural injection, leading to an alleged diagnosis of arachnoiditis. The plaintiff sought \$3.5 million in damages. After two hours of deliberations, the jury returned a defense verdict.

Defense Verdict in \$3.7 Million Jury Trial

Secured a defense verdict for a St. Louis, Missouri-area medical group following a five-day jury trial. The plaintiff and her attorneys asked for a verdict of \$3.7 million following a laparoscopic gynecological surgery. After 82 minutes of deliberation, the jury returned with a defense verdict.

Defense Verdict in Dental Malpractice Case

Obtained a defense verdict in a dental malpractice case involving a lingual nerve injury and the alleged failure to refer the patient for a nerve repair surgery. The plaintiff sought \$800,000 in damages. After an hour of deliberations, the jury returned a defense verdict.

Defense Verdict for Doctor in \$1 Million-Plus Dispute

Received a defense verdict in a case in which the plaintiff alleged the defendant doctor had failed to recognize and treat a knee infection following an arthroscopic knee surgery. Plaintiffs asked for more than \$1 million in damages, and after two hours of deliberations, the jury returned a unanimous defense verdict.

Defense Verdict for University Client in Medical Malpractice, Negligence Case

Secured a defense verdict in a medical malpractice case in which the plaintiffs asked the jury to return a verdict in excess of \$5 million in favor of a brain-damaged minor. The plaintiffs alleged defendant's failure to appropriately diagnose and treat the minor's mycoplasma pneumonia, and encephalitis resulted in permanent brain damage. The case was complicated in that the treating pediatric neurologist testified on behalf of the minor plaintiff and adverse to the defendant. Testimony included nine experts in the areas of pediatric neurology, infectious disease, autoimmune disorders, pediatric neuropsychology and pediatrics. After a several-week trial, a St. Louis City jury returned a verdict in favor of the defendant.

Defense Verdict in \$5.5 Million Medical Malpractice Case

Obtained a defense verdict in a medical malpractice case involving a bowel perforation following a vaginal hysterectomy. The plaintiff sought \$5.5 million in damages. After two hours of deliberations, the jury returned a defense verdict.

Unanimous Defense Verdict in Wrongful Death Case

Obtained a unanimous defense verdict in a wrongful death/medical malpractice case involving the diagnosis and management of a bowel perforation following a vaginal hysterectomy. After an hour of deliberations, the jury returned a unanimous defense verdict.

Unanimous Defense Verdict for Doctor in \$3.5 Million Case

Received a unanimous defense verdict in a case in which the plaintiff alleged the defendant doctor had failed to place the plaintiff on DVT prophylaxis, although the hospital's own risk assessment forms placed the plaintiff at a "very high risk" for developing blood clots. The plaintiff sought more than \$3.5 million in economic damages and a non-specified amount of non-economic damages.

Second-Largest 2013 Missouri Defense Verdict

Won the second-largest 2013 defense verdict in Missouri for its representation of a hospital in a medical negligence case. The ranking was reported by Missouri Lawyers Weekly.

Jury Defense Verdict in Medical Malpractice Trial

Obtained a defense verdict in a medical malpractice case involving a ureter injury following a vaginal hysterectomy and the post-operative recognition and treatment of that injury. After 30 minutes of deliberations, the jury returned a unanimous defense verdict.



Defense Verdict for Hospital in \$5 Million Dispute

Secured a defense verdict in a case where the plaintiff was admitted to hospital with abdominal pain. After initial improvements, the plaintiff declined and was discovered to have a dead bowel. Plaintiffs filed suit in excess of \$5 million claiming the defendants failed to diagnose his condition and that the dead bowel was a result of a blood clot.

Defense Verdict for Health Care Provider in Medical Malpractice Case

Served as counsel to the defendant in a matter in which the plaintiff sued an oral and maxillofacial surgeon in a case in Virginia (Virginia Beach) that involved the extraction of two wisdom teeth. Plaintiff alleged that defendant (i) failed to appropriately prescribe antibiotics both pre- and post-operatively, (ii) failed to detect the signs of an infection during his treatment, (iii) failed to timely order a CT or MRI scan or make an infectious disease referral to rule out an infection, and (iv) inappropriately administered a local steroid injection into a potential area of infection. Plaintiff was subsequently diagnosed with deep soft tissue cellulitis that later developed into necrotizing fasciitis. Plaintiff was admitted to a hospital for one month during which time approximately 15 surgical incisions and drainages were performed to debride the necrotizing fasciitis. Plaintiff had over 40 emergency department visits over the next three years allegedly due to defendant's negligence. Plaintiff's counsel requested \$2 million in his closing argument. No settlement offer was ever made by the defense. After a five-day jury trial, the jury returned a verdict for the defendant.

Unanimous Jury Verdict for Defense in Hospital Fall Case

Obtained a defense verdict in a wrongful case where plaintiff alleges that proper fall precautions were not put in place for an Alzheimer's patient who was admitted to the hospital and suffered a fall, leading to a femur fracture. After 30 minutes of deliberations, the jury returned a unanimous defense verdict.

\$17 Million Defense Verdict for Hospital Client in Suit Brought by Neurosurgeon

Defended a hospital client in a suit against a neurosurgeon who allegedly slipped and fell leaving the operating room in the hospital where he worked. The suit alleged that right-shoulder injuries from the fall ended his career. The last pre-trial demand sought \$17 million in damages. After four days of trial, a defense verdict was returned in favor of our client. The win was ranked the no. 1 defense verdict in the state of Missouri in 2010 by Missouri Lawyers Weekly.

Defense Verdict in Medical Malpractice Case

Secured a defense verdict in the Circuit Court of St. Louis County, Missouri, as co-counsel in the trial of a claim for medical malpractice.

THOUGHT LEADERSHIP

March 22, 2023

AT Health Law Beat, March 2023

July 23, 2021

Missouri Supreme Court Opinion Establishes Precedent for Medical Malpractice Damages Caps

May 18, 2020

New Limits on Punitive Damages in Missouri

June 1, 2017

From Nursing to Law: One Attorney's Unique Career Path

Missouri Lawyers Weekly



Armstrong
Teasdale

March 31, 2017

Attorneys Nicolas Cejas, Scott Kozak Discuss Collateral Source Rule in IADC Article