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— By Michael Booth, *New Jersey Law Journal*

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Fatal Med Mal Case Settles for \$2.5M

Perricone v. Eltaki: The estate of a Secaucus man who died shortly after shoulder surgery received a \$2.5 million settlement in a Hudson County suit on July 1.

On April 19, 2012, Gerald Perricone, 57, had elective right shoulder surgery to repair a labrum tear at Bloomfield Surgi-Center, where he was administered anesthesia by anesthesiologist Dr. Kareem Eltaki.

Perricone allegedly died from cardiac distress when catecholamines, adrenaline-like substances that interact with the heart, circulated through his bloodstream. The substance was secreted from a pheochromocytoma, which is an abnormal mass, according to the suit.

The pheochromocytoma was first diagnosed upon autopsy, according to the estate's lawyer, **Daryl L. Zaslow** of **Eichen Crutchlow Zaslow & McElroy** in Edison.

While pheochromocytoma is usually diagnosed on autopsy, Perricone experienced tachycardia, or elevated heart rate, before the start of the surgery, which should have been addressed by Eltaki, according to Zaslow.

The suit claimed Eltaki deviated from the standard of care by failing to administer medication to Perricone, by failing to appreciate the seriousness of his condition after the surgery, by failing to have Perricone hospitalized promptly, and by delaying before calling emergency help, Zaslow said. The suit also claimed more prompt emergency care would have led to Perricone's survival. Perricone, 57, had a wife and three children.

According to Zaslow, the defense emphasized how rare it is to diagnose a pheochromocytoma before death, and noted that Perricone's primary care physician and cardiologist both cleared him for surgery.

The case was settled before Hudson County Superior Court Judge Peter F. Bariso. Eltaki agreed to pay his \$1 million policy limit, and Eltaki's employer, Northern Valley Anesthesia Group, also agreed to pay its \$1 million policy limit. Bloomfield Surgi-Center agreed to pay \$500,000.

Eltaki and Northern Valley Anesthesia were represented by R. Scott Eichhorn of Marshall Dennehey Warner Coleman & Goggin in Roseland. Eichhorn could not be reached for comment.

Heather LaBombardi of Giblin Combs & Schwartz in Morristown, who defended Bloomfield Surgi-Center, declined to comment.