

Man Who Alleged Doctors Missed Stroke Indicators Settles for \$5 Mil.

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A man who said doctors missed warning signs of a stroke agreed to a \$5 million settlement of his Ocean County medical malpractice suit on June 20.

In *Silecchia v. Dietz*, Paul Silecchia of Toms River, N.J., claimed his optometrist and his primary care physician both failed to diagnose an onset of carotid artery disease that was a precursor to a stroke. He has difficulty walking and speaking as a result of the stroke he suffered and was forced to leave his job in a supermarket, according to his suit.

Silecchia, then 50, visited optometrist Michael Deitz on June 25 and July 20, 2009, complaining of headaches and loss of vision in his left eye. Deitz diagnosed Silecchia with glaucoma and a migraine, and told him to follow up with his primary care physician if the headaches persisted, giving no indication of a need for immediate treatment, the suit said.

On July 20, Silecchia phoned his primary care physician, Thomas Lozowski, and left a message indicating he was having headaches and had lost vision in the left eye. Lozowski prescribed an MRI but did not suggest the symptoms should be investigated urgently, the suit said. On Aug. 3, 2009, Silecchia suffered a stroke.

Experts retained by Silecchia indicated the symptoms were related to loss of blood supply to the ophthalmic artery from a carotid artery lesion, which warrants an emergent investigation. The plaintiff's attorney, **Daryl Zaslow**, maintained that the condition could have been easily diagnosed and treated any time in the six weeks before Silecchia suffered the stroke.

Under the terms of the settlement, the insurance carrier for Deitz and his medical practice, The Ocean Eye Institute, agreed to pay \$4 million and Lozowski and his practice, DiChiara & Lozowski, agreed to pay \$1 million.

While the suit was pending, Silecchia's wife, Marta, who had a claim for loss of consortium against the defendants, filed for divorce. Zaslow had represented both until then but she retained separate counsel after filing for divorce. The two agreed that Marta would receive \$750,000 of the \$5 million.

Paul Silecchia's lawyer, Zaslow, is with **Eichen, Crutchlow, Zaslow & McElroy** in Edison, N.J. Marta Silecchia's lawyer was **Brian Ansell** of **Ansell, Grimm & Aaron** in Ocean, N.J. **Joseph Cooney** of **Widman, Cooney, Wilson, McGann & Fitterer** in Oakhurst, N.J., represented Deitz. **James Ronan** of **Ronan, Tuzzio & Giannone** in Tinton Falls, N.J.,

represented Lozowski. Defense lawyers Cooney and Ronan did not return calls about the settlement.

— *By Charles Toutant*