



Patient Awarded \$1.01 Million in Suit Claiming Surgeon Damaged Intestine



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WILLIAM CRUTCHLOW

A Middlesex County jury awarded \$1.01 million on Feb. 1 in *Stewart v. Swaminathan*, a medical malpractice suit stemming from an intestine that ruptured during surgery.

Kevin Stewart, now 58, underwent a laparoscopic gall bladder

removal at JFK Medical Center in Edison on Sept. 20, 2010. During the procedure, surgeon Anangur Swaminathan ruptured Stewart's small intestine, but did not notice the cut, the suit claimed.

The doctor was negligent for failing to conduct an inspection of the patient's abdominal cavity to check for cuts before finishing, the suit claimed. The ruptured intestine caused the contents of the patient's intestine to spill into his abdomen, and he developed a massive infection, said his attorney, **William Crutchlow of Eichen, Crutchlow, Zaslow & McElroy** in Edison.

Stewart was operated on a second time to close the nicked intestine, but his blood pressure and blood-oxygen level fell, and he was kept on a ventilator for at least five weeks, Crutchlow said.

Stewart suffered widespread brain damage as a result of the infection and since then is easily confused, has

short-term memory loss, has problems doing math, is often emotional and depressed, and is unable to continue working as a carpenter, Crutchlow said.

The case was tried for three weeks before Middlesex County Superior Court Judge Joseph Rea.

The defense maintained that without a reason to suspect damage to the patient's organs, Swaminathan was not obligated to examine the entire abdominal cavity for cuts, but the plaintiff's expert disputed that position, Crutchlow said.

After two days of deliberations, the jury found the doctor liable, awarding the plaintiff past lost wages of \$149,920, future lost wages of \$144,475, and pain and suffering of \$716,000.

Swaminathan's lawyer, **Sam Rosenberg of Rosenberg, Jacobs & Heller** in Morris Plains, who was assisted by **Douglas Ciolek**, did not return a call about the case.

— *By Charles Toutant*