



## \$6.5 Million Settlement Approved in Med Mal Case Over Hospital Patient's Death

A Middlesex County judge on April 23 approved the final portion of a \$6.5 million settlement in a medical malpractice suit, *Estate of Horvath v. Alegre-Gomez*, lodged on behalf of a 53-year-old woman who died while being treated for pneumonia and other respiratory issues.

According to court documents and counsel, on March 28, 2015, Marie Horvath was brought by ambulance to St. Peter's University Hospital in New Brunswick after several days of fever, cough, headache and confusion, and was diagnosed with pneumonia, hypoxia and sepsis. Her condition worsened, including development of acute respiratory distress syndrome (ARDS), and she was treated with antibiotics and oxygen, said her family's lawyer, **Daryl Zaslow** of **Eichen Crutchlow Zaslow** in Edison.

Three days later, Horvath's blood-oxygen level dropped, and Dr. Ikemefula Ekekwe, a pulmonologist employed by the hospital, ordered Horvath to be intubated so she could be put on a ventilator. The intubation was performed by Regina Alegre-Gomez, a certified registered nurse anesthetist with Anesthesia Consultants of New Jersey. Horvath died shortly after.

An action was brought on behalf of Horvath's husband and three children. The suit claimed that Ekekwe deviated from the standard of care by waiting several hours too long to have Horvath intubated after her blood-oxygen level dropped. The suit also claimed Alegre-Gomez negligently put the tube in Horvath's esophagus rather than her trachea, and failed to quickly detect the error.

The defense contended that there was no delay in treatment, and that the intubation was elective, not emergent. The defense also contended that Horvath's condition was such that different treatment wouldn't have saved her life, according to Zaslow.

St. Peter's agreed to pay \$5.5 million in August 2019 during mediation with Maurice Gallipoli, a retired Superior Court judge with Porzio, Bromberg & Newman in Morristown, and Alegre-Gomez and Anesthesia Consultants of New Jersey agreed to pay \$1 million a week before the scheduled trial, which was set for Dec. 2, 2019, according to Zaslow. Ekekwe didn't pay into the settlement.

Middlesex County Superior Court Judge James Hyland approved St. Peter's



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COURTESY OF DARYL ZASLOW

portion of the settlement, a net recovery of \$3.68 million for the plaintiffs, on Aug. 15, 2019, and approved Alegre-Gomez's portion of the settlement, a net recovery of \$629,384 for the plaintiffs, on April 23, 2020, according to court documents.

Rowena Duran of Vasios, Kelly & Strollo in Union, for St. Peter's, declined to comment on the settlement.

Mark Petraske of Dughi Hewit & Domalewski in Cranford, for Alegre-Gomez, didn't respond to a call or email about the case. Neither did Edward Thornton of Methfessel & Werbel in Edison, for Ekekwe.

— *David Gialanella*