

## \$1,880,000 Recovery in Failure to Diagnose Stroke Case

*Estate of Ramos v. Christ Hospital, et. al.*

HUD-L-3811-12

[Daryl L. Zaslow](#) of Eichen Crutchlow Zaslow LLP (Edison, Red Bank and Toms River), obtained a \$1.88 million settlement on behalf of the Estate of a 58-year-old stroke victim.

After having fallen in his kitchen and complaining of dizziness, Francisco Ramos presented to the Christ Hospital Emergency Department on February 13, 2011. The initial diagnosis was recorded as syncope, however, a CT done at that time showed evidence of infarctions in the left internal capsule and right cerebellar hypodensity which were correctly read as subacute stroke. He was admitted to the hospital where he was seen by Dr. Kazmi, the attending internist, Dr. Patel, a first-year resident working under the supervision of Dr. Kazmi, and Dr. Kapoor, a neurologist who was called in for a neurology consultation.

The neurological consultation was performed by Dr. Kapoor on February 15, 2011 and was reported as normal. From the time of admission through discharge on February 15, 2011, Mr. Ramos displayed no neurological findings. Additionally, telemetry performed indicated no arrhythmias or aberrant findings. Mr. Ramos was discharged from Christ Hospital following on February 15, 2011 with instructions to follow-up with his internist and neurologist in one week, however, on February 17, 2011 Mr. Ramos was admitted to Jersey City Medical Center having suffered an additional stroke. While at Jersey City Medical Center Mr. Ramos went on to sustain further strokes including a totally disabling stroke on February 20, 2011. The etiology of the strokes was never determined.

Mr. Zaslow retained experts in internal medicine, neurology, family medicine, cardiology, life care planning and economics. With respect to the issue of liability, Zaslow and his experts maintained that the defendant physicians who cared for Mr. Ramos at Christ Hospital prematurely and negligently discharged Mr. Ramos without determining the etiology of the subacute infarcts, failed to do a sufficient stroke work up, failed to obtain a cardiology consult and failed to perform a sufficient neurological consultation. Insofar as none of the physicians at Christ Hospital or Jersey City Medical Center were ever able to determine the etiology of the strokes, or prevent them, the issue of causation remained problematic.

Mr. Zaslow and his experts asserted that Mr. Ramos suffered several ischemic strokes prior to his admission on 2/13/2011, and because the CT scan of 13 February 2011 showed left internal capsule and right cerebellar strokes, the strong implication is that the source of emboli was heart or great vessels; these locations would not correspond to any local cerebral or carotid vessel distribution. These types of strokes are typically caused by what is known as a 'shower of emboli,' almost always central (cardiac or great vessel) in origin. Before discharging Mr. Ramos, the defendants at Christ Hospital failed to order the requisite tests to determine if the subacute strokes were coming from a cardiogenic source. As per this issue, a transthoracic echocardiography can sometimes identify a source, but the standard test is TEE (transesophageal echocardiography) because of its greater sensitivity based on better images that are unaffected by lung interference. CT angiography of the great vessels is also indicated to identify major thrombi or atherosclerotic plaques in the aorta that can frequently serve as embolic sources. Although both these tests were subsequently performed at Jersey City Medical Center and were normal,

Plaintiffs maintained that the TEE was performed too late only after the cardiac emboli had traveled to Mr. Ramos' brain – thus explaining why the emboli were not present in the heart.

Mr. Zaslow and his experts were critical that even when they discharged Mr. Ramos the defendants failed to take the most basic measures to reduce the likelihood that Mr. Ramos would suffer an additional stroke. In fact, they even failed to recommend Mr. Ramos take aspirin.

Mr. Ramos was never able to recover from the multiple strokes he sustained at Jersey City Medical Center. He could not speak, walk or care for himself. He ultimately passed away on December 31, 2012. Mr. Ramos was unemployed when the care at issue occurred and his survivors included his adult son and sister, who helped care for him before he passed.

The terms of the settlement require the insurance carrier for Defendant Kazmi, who was responsible for the order discharging Mr. Ramos, to pay \$1,500,000, Defendant Kapoor's insurance carrier to pay \$350,000 and UMDNJ/Rutgers School of Medicine, the employer for the Dr. Patel, to pay \$30,000. Defendant Kazmi was represented by David C. Donohue, Esq. of Farkas & Donohue, Florham Park. Defendant Kapoor was represented by William Brennan, Esq. of The Law Offices of William Brennan, LLP, Shrewsbury. Mike Lunga, Esq. of Florham Park represented UMDNJ/Rutgers School of Medicine and Dr. Patel.