

\$750,000 Settlement During Trial for Nursing Negligence

NEW JERSEY LAW JOURNAL

SUITS & DEALS – January 17, 2000

Ferguson v. An Unnamed Hospital and Two Unnamed Nurses: A Middlesex County judge approved a \$750,000 settlement on January 3 in a suit alleging that negligence by a Middlesex County hospital and two nurses led to an Edison woman's brain damage.

Jeanette Ferguson, now 63, was having symptoms of a heart attack when she went to the hospital's emergency room on Jan. 11, 1995, according to her attorney, [Barry Eichen](#). Eichen says the nurses failed to monitor his client's condition and respond in a timely manner, causing permanent brain damage and a loss of short-term memory.

The parties had reached a settlement on Dec. 13 after opening statements in front of Judge Douglas Hague, according to Eichen. The nurses and the hospital were not named because of a confidentiality agreement.

Both nurses had more than 10 years of experience and should not have left Ferguson unmonitored, says Eichen.

The defendants asserted that Ferguson's brain damage was caused by the heart attack, which was brought on by a previous condition that damaged the heart about seven years earlier, Eichen says. The defense also argued that Ferguson had previously undergone coronary artery bypass surgery, smoked three packs of cigarettes a day and had not seen a doctor for seven years before the hospitalization on Jan. 11, 1995, according to Eichen.

While acknowledging that Ferguson was a smoker, Eichen says that habit did not detract from the medical providers' alleged negligence.

Just because she smoked three packs a day doesn't mean that she should not have been monitored, Eichen says.

Ferguson says his client may have been left unmonitored for up to five minutes, while the defense argued that she was unmonitored for no more than a minute.

The hospital was represented by Donald Ottaunick, a partner at Hackensack's Cole, Schotz, Meisel, Forman & Leonard. The nurses were represented by Daniel Hurley, a partner with Short Hills' Hurley & Vasios, and Louis Dughi, a partner with Cranford's Dughi & Hewit. None of the defense lawyers returned telephone calls seeking comment on the settlement.

By: Sandy Lovell