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Won a complete defense verdict and dismissal of punitive damages claims for a Wyoming hospital and codefendant physicians facing non-negotiable $19 million negligence claims brought by a plaintiff who suffered a stroke following emergency room treatment for a head wound.

2015

WTO lawyers defended a Wyoming hospital in a three-week trial in state court. The plaintiff presented to the emergency room with a deep scalp laceration after hitting his head on a metal beam at work. He also had dangerously high blood pressure.

The emergency department physician sutured the wound, administered blood pressure medication, and discharged the plaintiff. On the way home from the hospital, the plaintiff suffered an ischemic stroke and returned by ambulance.

In the lawsuit, the plaintiff alleged the physician caused the stroke by lowering the blood pressure and then failed to diagnose the stroke on the second emergency room visit. The case was made more difficult because, due to an administrative oversight, the ER doctor's privileges to practice

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Ashley A. Weaver
Staff Counsel

medicine at the hospital expired three weeks prior to his treating the plaintiff.

The plaintiff asserted a direct claim against the hospital for "negligent credentialing" and sought punitive damages. Before the plaintiff could enforce that claim against the hospital, however, he had to demonstrate negligence by the physician. To defend the hospital, WTO defended the medicine, clearly showing through multiple experts that the ER physician and another doctor were not negligent.

The plaintiff demanded $19.5 million, non-negotiable, at mediation. His demand came down to $12 million by closing arguments. The jury ultimately agreed with WTO that the physicians and hospital had met the standard of care and no negligence had occurred. The jury awarded the plaintiff nothing, and punitive damages claims against the hospital were dismissed.

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Healthcare Litigation

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