Wheeler Trigg O'Donnell

Won a defense verdict in federal court for a hospital and its staff against $27 million malpractice and negligence claims involving a subdural empyema.

2018

Following a three-week federal jury trial in Colorado before Judge R. Brooke Jackson, WTO attorneys defeated medical malpractice and negligence claims to win a unanimous defense verdict.

WTO attorneys Andrew Efaw, Ellen Herzog, and Kevin Homiak

The plaintiff claimed $27 million in damages and alleged that WTO's clients–including a hospital, neurologist, hospitalist, and physician assistant–were negligent in not diagnosing an intracranial abscess when the plaintiff's son visited the emergency six times in eight days for a concussion, headaches, and sinusitis.

The patient was admitted to the hospital for three days. The plaintiff claimed that 17 days later, the epidural abscess progressed to a subdural empyema, causing her son's brain to herniate and leaving him with brain damage.

During the three-week trial, the two sides put on 15 expert witnesses, highlighting the science and medicine at play in

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this difficult case.

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