

New York Law Journal

Verdicts & Settlements

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VOLUME 256—NO. 46

An ALM Publication

TUESDAY, SEPTEMBER 6, 2016

MEDICAL MALPRACTICE

Doctors Overlooked Perforations of Patient's Bowel

Settlement: \$3,850,000

Yolanda S Ocasio and Eduardo Cruz v. Thomas Facelle, Bon Secours Medical Group, P.C., Ramapo Valley Surgical Associates, P.C., Good Samaritan Hospital, Rakesh Shreedhar, Jon, No. 33607/14

Court: Rockland Supreme

Plaintiffs' Attorney: Judith Livingston, Kramer, Dillof, Livingston & Moore

Defense Attorneys: John Pilkington, Pilkington & Leggett

Facts & Allegations: On Aug. 3, 2013, child-care worker Yolanda Ocasio, 41, arrived at Good Samaritan Regional Medical Center, in Suffern, because she was in pain following hernia surgery. Ocasio said a portable device to drain the operative area was collecting large amounts of fluid. A nurse noted that brown fluid was leaking from the surgical wound.

Ocasio was admitted and underwent exploratory surgery by Dr. Thomas Facelle, who had repaired her hernia, and was assisted by Dr. Rakesh Shreedhar. They

detected and repaired two perforations of Ocasio's bowel.

Her postsurgical symptoms continued. After three days, her care was assigned to Dr. Jonathan Berg. After four additional days, she was transferred to another hospital, where a doctor found two additional perforations. They were repaired on Aug. 10, 2013, but Ocasio said she suffers permanent residual effects.

She sued Facelle and Shreedhar; their practice, Ramapo Valley Surgical Associates, P.C.; Berg; Berg's practice, Rockland Pulmonary and Medical Associates, P.C.; Good Samaritan Regional Medical Center; and that facility's operator, Bon Secours Medical Group, P.C., alleging malpractice and vicarious liability.

Her counsel said Facelle and Shreedhar should have detected and repaired each perforation of Ocasio's bowel, and that the doctors did not perform a proper and thorough inspection. Ocasio's counsel also said Berg did not timely detect and repair the perforations that Facelle and Shreedhar had overlooked. She also said Berg did not appreciate symptoms suggesting Facelle and Shreedhar had overlooked perforations.

Defense counsel argued Facelle and Shreedhar properly inspected Ocasio's bowel and that Berg promptly addressed any symptoms.

Injuries/Damages: Ocasio said her abdomen developed severe pain and she was hospitalized for 30 days.

She said her condition caused depression and insomnia, and that she received psychological counseling. She also said she suffers residual pain, fatigue, gastrointestinal complications that require dietary restrictions, and limitations that limit everyday activities such as chores, dressing herself, and playing with her children.

She sought recovery of past medical expenses and damages for past and future pain and suffering. Her husband, Eduardo Cruz, sought damages for loss of services.

Result: The parties negotiated a pretrial settlement. The defendants' insurer agreed to pay \$3.85 million.

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