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March 1, 2010

Family Awarded \$1.25 Million In Medical Malpractice Lawsuit

A jury awarded nearly \$3 million to the estate of a man who died after his esophagus tore while he was swallowing a piece of steak, finding an Alexandria radiologist liable for misdiagnosing the man's condition as a hiatal hernia. However, as is common practice in various states the jury verdict was reduced to about \$1.25 million. People don't realize the impact that caps can have on everyday people. In this case the jury heard all of the evidence and awarded what it believed was a fair amount. In this [wrongful death](#) and medical malpractice lawsuit the facts were that Alvarez ate some steak and felt pain in his throat. He went to the hospital and was told her had a hiatal hernia and was given oral medication for this.

However later that night Alvarez was taken by ambulance to [Inova Fairfax Hospital](#) after complaining of severe pain in his chest. After running tests and taking images, doctors discovered a perforated esophagus. As a result of this, Alvarez ended up dying ten days later from complications related to attempted surgery. When determining a fair amount of money Alvarez should receive his wages should be taken into account. In this case he was making \$100,000 a year as a technology specialist for the [Defense Information Systems Agency](#) and was retired from the United States Air Force where he was receiving a pension. It's sad that jury awards get reduced in [wrongful death](#) cases like this.

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February 27, 2010

L.A. Weight Loss Centers May Settle Wrongful Death Lawsuit

Pamela Hoppe of Illinois wanted to lose weight so she signed up for a program with L.A. Weight Loss Center in 2004 and began to take diet supplements. According to the [wrongful death](#) lawsuit [L.A. Weight Loss Centers](#) recommended a diet and dietary

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supplements. However the Food and Drug Administration ("FDA") does not regulate these supplements. After taking the supplements Hoppe went to Gateway Regional Medical Center complaining of nausea, abdominal fullness and jaundice. She died from liver failure a short time later.

Her administrator filed an eight count lawsuit in Illinois including a count for wrongful death. The estate is seeking over \$50,000 per count and it looks like the parties are close to settling this case. According to her lawsuit L.A. Weight Loss recommended supplements that were not properly tested for safety, failed to warn Hoppe of risks of the supplements, and did not exercise proper quality control.

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February 26, 2010

Estate Of Man Who Died Because Hospital Treated Him For Cancer He Never Had Files Wrongful Death Lawsuit

If there is ever a case that proves you should always get a second opinion regarding medical care this case is it. The Estate of Juan Blanco filed a [wrongful death](#) lawsuit against the County who owns the hospital that treated Mr. Blanco after he was diagnosed with cancer given years of radiation and other treatment for the cancer and it turns out he never had cancer. The problem for Blanco started in 2001 when he arrived at the emergency room at [Kern Medical Center](#) after suffering a seizure. Doctors there believed he had a cancerous brain tumor and did emergency surgery followed by two months of radiation. The problem was the diagnoses was wrong according to the lawsuit.

Blanco endured almost six years of constant suffering when he collapsed and was rushed to [Stanford University Medical Center](#). Doctors at Stanford told him that all the treatment he received was in error and he did not have cancer and never had cancer. The doctors said Blanco suffered a minor stroke and did not have a tumor or cancer. In a continued remarkable series of events Blanco was taken back to Memorial Hospital in late 2007 suffering from another seizure, and the doctors there told him they needed to resume cancer treatments. Blanco died in July 2008 from a cerebral hemorrhage and the family claims it was on the spot of the radiation.

"He was like a guinea pig for them," Poot said. "They didn't really know what they were doing."

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February 25, 2010

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Estate of Woman Killed On Motorcylce Files Wrongful Death Lawsuit

The estate of Shelia Regal who was killed in a motorcycle crash filed a [wrongful death](#) lawsuit against the estate of James Williamson the motorcycle driver. According to published reports, Regal was a passenger on Williamson's motorcycle when the motorcycle attempted to pass a pickup. The motorcylce collided with a Chevrolet Camaro driven by 19-year old Kevin Howard causing Regal and Williamson to be thrown over the Camaro. Both were pronounced dead at the scene. When a motorcylce collides head on with an automobile the results are usually fatal.

In what are typical allegations for a [wrongful death](#) lawsuit, the allegations says that Williamson was negligent in how he drove the motorcycle, and that Regal could have earned another \$750,000 in her lifetime. The amount paid in this type of lawsuit is usually the amount in insurance coverage.

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February 24, 2010

Estate of Man Killed While At Nursing Home Files Wrongful Death Lawsuit

The estate of Jewel Lane filed a [wrongful death](#) lawsuit against the nursing home that they say caused his death by allowing him to escape. According to the lawsuit, Lane was admitted to defendant Maryville Manor's nursing home on March 24. Obviously when someone enters a nursing home they are not in the same mental and physical shape as they once were. According to details in the lawsuit on April 7 Lane was allowed to leave the nursing home and surrounding grounds unattended. According to offical reports Lane died on April 7 because of exposure to the elements, pulmonary arrest and hypothermia.

The lawsuit filed in Illinois, seeks damages for financial support, affection and companionship as well as for medical expenses. The lawsuit also alleges the nursing home employees failed to properly supervise Lane to prevent him from leaving the nursing home, failed to provide adequate staff to prevent him from leaving the nursing home unattended, failed to protect him from neglect, failed to timely notify his physician of changes in his condition and failed to assure his environment was free of hazards.

[Continue reading "Estate of Man Killed While At Nursing Home Files Wrongful Death Lawsuit" »](#)

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February 23, 2010

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Dentist Sued For Wrongful Death After Giving Fentanyl

Felita Dowdy, a young 33 year old woman suffering from cerebral palsy went in to the dentist to have teeth extraction surgery and unfortunately, she never came out alive. Her estate filed a [wrongful death](#) lawsuit against the dentist Dr. Bruce Lish and [St. Luke's Hospital](#). The lawsuit alleges among other things that a dose of fentanyl painkiller given to Dowdy by the dentist may have contributed to her going into cardiac arrest during surgery. [Fentanyl](#) is 100 times more powerful than heroin and many times is only prescribed to patients suffering from severe pain.

Once Dowdy went into cardiac arrest she was taken to the hospital with a [brain injury](#). At this point it is unclear what caused the problem with the surgery. It may have been a combination of the Fentanyl or a surgical mistake. Once Dowdy was taken to the hospital, the lawsuit alleges that she wasn't given the proper care and monitoring which also led to her death.

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February 22, 2010

Grain Truck Accident Results In Wrongful Death Lawsuit

Joseph Hostetler filed a [wrongful death](#) lawsuit against David R. Leeper and Kenneth Fletcher on behalf of his 40-year old wife who was killed along with two others in a fire wreck involving a grain truck. According to the lawsuit Hostetler was driving her minivan when Leeper's grain truck lost its left rear tandem forcing Leeper to steer it onto the shoulder of the highway. Hostetler's van struck one of the tire and wheel combinations that was laying in the road causing the van to overturn and the van eventually landed on its roof.

Mrs. Hostetler and passengers Chester Gingerich and Perry Gingerich were all pronounced dead at the [trucking accident](#) scene. Mr. Leeper along with three other passengers in the minivan were injured. You can see how important it is that people properly maintain their trucks and cars. This was a tragic accident that occurred because the truck was not properly maintained and many lives were ruined as a result.

"There's a lot of requirements that have been enacted over the years," he said. "One of the things that farmers do not have any exemption from is maintenance of the vehicle."

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Wrongful Death Lawsuit Filed Against Drunk Driver

Kevin Benes' family filed a [wrongful death](#) lawsuit against Michael Bourdage who was indicted on two counts of aggravated drunken driving in the [car accident](#) that killed Benes. According to the lawsuit Bourdages truck slammed into Benes' car killing him. Bourdage has pleaded guilty to more than a dozen traffic, drug and alcohol offenses in Will County, including a drunken driving charge in 2007.

This is a good example of someone minding their own business and being in the wrong place at the wrong time. It is important to hold those responsible for the death of someone else. When people are driving drunk or under the influence of drugs, they present a danger to themselves and to the public. The unfortunate thing about a case like this is that the only available asset may be the insurance policy if the driver was insured. Many times, irresponsible drivers will have low insurance coverage or no coverage. It is also possible to recover through your own policy under the underinsured provision. It is therefore important to make sure you keep high limits on your underinsured policy.

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February 19, 2010

Family of Destine Martinez Settle Wrongful Death Lawsuit For \$130,000

Destinie Martinez was seven years old and had undergone multiple surgeries for a known heart defect when he passed away in 2007, after collapsing during physical education class at [Doña Ana Elementary School](#). Her mother, Candi Martinez, filed the [wrongful death](#) lawsuit alleging the school allowed an ill child to participate in physical activity and was negligent in its efforts to provide emergency medical attention when the child became sick. Destinie became ill at school and, after being allowed to sit out of class began vomiting.

With the many deadly germs and virus' spreading throughout the schools these days, school officials should be extra cautious when someone becomes ill. In this case the school should have taken the illness more serious and provide immediate medical help. It is such a tragedy that a young life was lost. Wrongful death statutes are survival statutes and have strict time limits which must be followed. It is very important to discuss a potential case early to receive the best advice.

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February 17, 2010

Toyota Sued For \$100 Million in Wrongful Death Lawsuit

A \$100 million [wrongful death](#) lawsuit claims Janice and Kenneth Berg died after their 2009 Toyota Camry's throttle malfunctioned resulting in the car to accelerating and

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crashing into a utility pole. Months after the death of his parents Hall received in his mother's mail a letter from Toyota to inform her that the gas pedal of her Camry could get stuck on the all-weather floor mats, causing a dangerous situation. Toyota ended up recalling 6 Million U.S. Cars because of problems with the throttle.

According to documents filed in the wrongful death lawsuit **Toyota** attempted to cover up the dangerous defects in many of its vehicles, first blaming driver inattentiveness in April 2009, then the floor mats months later. This type of behavior is outrageous. The fact that a large corporation would put the lives of consumers at risk so they could save a few dollars is obscene. Automobile accidents involving defective products are more common than one would think. This is a good example of why problems with automobiles should not be dismissed and if you are involved in a **car accident** you should inquire as to whether there is a problem with the equipment on the car.

"Subsequently, it has been allegedly discovered that Toyota was aware of problems with gas pedal sensors, causing sudden vehicle acceleration in many of its vehicles as early as March 2007, the lawsuit claims.

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February 16, 2010

City of Poughkeepsie Pays \$500,000 To Settle Wrongful Death Lawsuit

Former public works employee Denis Keenan died in January 2005 after his sweatshirt caught in a shaft at the back of a truck as he unloaded salt after a day of plowing snow. An autopsy determined Keenan died of asphyxiation by compression and his death was ruled an accident. His estate settled the **wrongful death** lawsuit for \$500,000 and both parties can now move on with their lives.

A 2005 state report on the death of Keenan found the city's failure to replace a safety guard on the salt spreader, combined with a too-long mechanical shaft, were direct causes of Keenan's death. Keenan, a father of two, had worked for the city for about a year when he was killed.

After his death, Keenan's widow sued the company that made the alleged unsafe salt spreader that Keenan was working with. Many times in wrongful death lawsuits there are multiple defendants.

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February 15, 2010

\$10.5 Million Dollar Settlement In Wrongful Death Lawsuit

The city of Philadelphia, [Chad Youth Enhancement Services Inc.](#), and its parent company, Universal Health Services Inc, settled a [wrongful death](#) lawsuit filed by the estate of Omega "Manny" Leach for \$10,500,000. According to allegations in the lawsuit Leach died in June and his death was avoidable but for the negligence of the defendants.

Leach's death was the second such incident at the facility. According to documents produced in the lawsuit Leach was being choked by an employee of the facility, Mr. Rae. A nurse who arrived on the scene reportedly found Leach was not breathing and did not have a pulse. He dies shortly thereafter. The facility had a duty to protect the young man from this type of activity and should have been better supervised.

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