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## Texas / South Central News

### New Orleans Hospital Settles Post-Katrina Wrongful Death Lawsuit

January 28, 2010

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Pendleton Memorial Methodist Hospital in New Orleans and its corporate parent have settled a wrongful-death lawsuit brought by the family of a 73-year-old woman who died after Hurricane Katrina left the hospital without electricity.

Terms of the settlement with Althea LaCoste's family were sealed.

The suit was expected to test the limits of hospitals' liability for disaster planning. But the settlement leaves the larger legal issues unresolved with many similar cases awaiting future juries.

Trial is scheduled May 10 trial for the family of Lorraine Edwards, a 58-year-old woman who died alongside LaCoste at Methodist.

LaCoste's family did not claim malpractice by doctors or nurses, but alleged that the hospital and Universal Health Services Inc. of King of Prussia, Pa., negligently failed to prepare for a storm of Katrina's magnitude.

LaCoste was recovering from pneumonia and using a portable ventilator. Relatives took her to Methodist Hospital as the hurricane approached. She survived the 18 hours without power, but her family says the trauma led to her death.

The Louisiana Supreme Court rejected Methodist's attempts to try the case under Louisiana's medical malpractice law, which limits awards to \$500,000. General negligence awards are not capped.

Attorney Laurence Best said Methodist should have put the fuel pump for a rooftop generator above ground level. When that pump flooded, it cut off the diesel supply from a 10,000-gallon tank.

Best highlighted a 2002 letter from Cameron Barr, then president of the hospital, warning that the emergency power system was susceptible to flooding.

Larry Graham, who was Methodist chief executive at the time of Hurricane Katrina, told jurors that Barr did not mention that to him in 2003, when UHS bought the hospital. Graham said he knew there was a rooftop generator and a larger diesel supply at ground level. Graham also confirmed that he went fishing Aug. 27, 2009, unaware that Katrina's path had shifted overnight toward southeast Louisiana.

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Records and testimony from UHS executives established that the firm hired consultants to review its physical plants. Best said that suggested that they should have been aware of flooding risks.

Lead defense attorney David Bowling - who also will represent Methodist and UHS in the Edwards case - said the hospital and its parent company took reasonable precautions. He told jurors that all New Orleans residents, including the LaCostes, knew as much about hurricane dangers as did the Methodist brass.

Bowling concentrated on Althea LaCoste's poor health history, which included congestive heart failure, diabetes, kidney dialysis, high blood pressure, surgeries, the home ventilator implanted in her neck and a "do not resuscitate" order filed during a months long hospitalization the year she died.

The two sides offered competing witnesses offering expert testimony on the effectiveness of the emergency power system design.

Attention now shifts to the scheduled May 10 trial for the family of Lorraine Edwards, a 58-year-old woman who died alongside Althea LaCoste at Methodist.

Gregory Di Leo, the Edwards family's attorney, watched the LaCoste trial. He said he benefited from watching presentations of the same facts and some of the same expert witnesses.

Di Leo also says Edwards was younger than Lacoste and in better health. He says he believes that makes his case stronger.

Information from: The Times-Picayune, <http://www.nola.com>

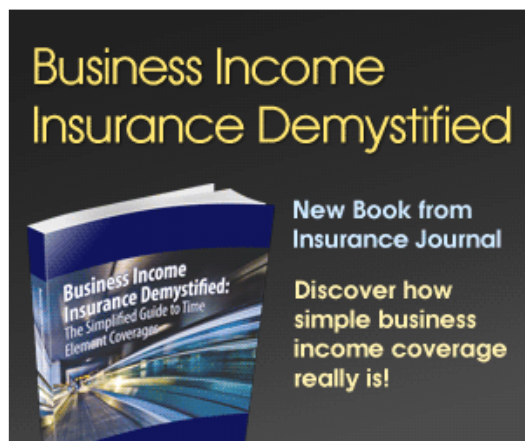
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