MEMORANDUM

April 5, 2005

TO:	THE LOS ANGELES COUNTY CLAIMS BOARD
FROM:	DAVID J. WEISS, ESQ. Law Offices of David J. Weiss OWEN L. GALLAGHER Principal Deputy County Counsel General Litigation Division
RE:	**<u>Billy Preston, De Aundra Tanner v. County of Los Angeles</u>** **Los Angeles Superior Court, South Central District Case No. TC017336**
DATE OF INCIDENT:	December 11 - 12, 2002
AUTHORITY REQUESTED:	$220,000, Plus Assumption of the Medi-Cal Lien Not to Exceed $34,057.50
COUNTY DEPARTMENT:	DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☒ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on May 2, 2005

HOA.280773.1

SUMMARY

This is a recommendation to settle for $220,000, the wrongful death lawsuit brought by Billy Preston (son), and De Aundra Tanner (daughter) for the death of Sherry Ridley while hospitalized at King/Drew Medical Center on December 30, 2002. The State, having paid $34,057.50 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On November 22, 2002, Sherry Ridley, a 43-year-old woman, underwent a surgical procedure at King/Drew Medical Center to remove sac-like growths containing other material (cysts), which medical personnel suspected might be cancerous, from her ovaries on both sides. Surgery was concluded without complication.

On November 25, 2002, Ms. Ridley complained of abdominal pain, and it was noted that her abdomen was tender to touch, and distended. Medical personnel determined that Ms. Ridley was suffering from a dilated loop of bowel, and a tube was placed through her nose into the stomach (nasogastric tube) to relieve her abdominal distension.

From November 26 through December 4, 2002, Ms. Ridley continued to have abdominal complaints, which were evaluated and managed by medical personnel.

On December 5, 2002, it was noted that Ms. Ridley's abdomen was distended. Ms. Ridley underwent a procedure utilizing an optical system for examination of the intestine (colonoscopy) to determine the cause of her abdominal distension. During this procedure, medical personnel found an area of dead (necrotic) bowel tissue. Ms. Ridley was taken to the operating room, and underwent exploratory abdominal surgery (laparotomy) to remove the necrotic tissue. During surgery, medical personnel identified two perforations of the bowel, a large collection of pus (abscess) in the abdominal wall, as well as areas of fragile bowel tissue. The perforations were repaired, and the necrotic bowel tissue was removed. However, rather than removing additional portions of the intestine containing fragile bowel tissue, medical personnel decided to monitor Ms. Ridley's condition and to allow the fragile bowel tissue time to heal.

On December 9, 2002, it was noted that a straw-colored fluid was emanating from the site of Ms. Ridley's surgical incision. On December 10, 2002, it was noted that a brown, foul-smelling fluid was emanating from the site of Ms. Ridley's surgical incision, which medical personnel decided to closely monitor.

On December 11, 2002, it was noted that a light brown, foul-smelling fluid was draining from the site of Ms. Ridley's surgical incision, which medical personnel suspected was fecal material. At 5:00 p.m., a decision was made to return Ms. Ridley to the operating room for performance of an exploratory laparotomy to determine the cause of the drainage of fecal material from the wound site.

On December 12, 2002, at 2:50 a.m., 9-hours-and-50-minutes after the decision to operate, Ms. Ridley was returned to the operating room for an exploratory laparotomy. During surgery, medical personnel discovered necrotic tissue along the abdominal wall, and a perforation of the colon, which allowed fecal material to enter the abdominal cavity, causing a severe inflammation of the lining of the abdomen (peritonitis). The perforated portion of the colon was repaired, the area was washed with fluids (irrigated), and devitalized tissue was removed from the infected area until healthy tissue is exposed (debridement).

On December 16, 17, 18, 20, 22, 23, and 26, 2002, Ms. Ridley underwent additional irrigation and debridement procedures. However, her condition continued to deteriorate, and she was diagnosed with shock that occurs from the spreading of a severe infection (septic shock), resulting in multiple organ failure.

On December 30, 2002, Ms. Ridley died due to the consequences of septic shock.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Billy Preston,	
Loss of Care, Comfort and Companionship (MICRA limit)	$125,000
De Aundra Tanner,	
Loss of Care, Comfort and Companionship (MICRA limit)	$125,000
Funeral Expenses	$ 27,093
TOTAL	$277,093

The proposed settlement includes:

Billy Preston,		
Loss of Care, Comfort and Companionship		$ 71,667.50
De Aundra Tanner,		
Loss of Care, Comfort and Companionship		$ 71,667.50
Attorneys Fees (MICRA Estimate)		$ 66,665.00
Costs of Litigation		$ 10,000.00
	TOTAL	$220,000.00

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through March 9, 2005, are attorneys fees of $40,417 and $19,190 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)		$220,000.00
County Attorneys Fees and Costs		$ 59,607.00
Medi-Cal Lien		$ 34,057.50
	TOTAL	$313,664.50

EVALUATION

Medical experts will be critical of the 9-hour-and-50-minute delay from the decision at 5:00 p.m., on December 11, 2002, to perform exploratory abdominal surgery, to the commencement of surgery at 2:50 a.m., on December 12, 2002. This delay fell below the standard of care, allowed a further deterioration of Sherry Ridley's condition due to the consequences of peritonitis, and is directly responsible for the results observed here.

We join with our private counsel, Law Offices of David J. Weiss, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of $220,000, and payment of the Medi-Cal lien in the amount of $34,057.50.

The Department of Health Services concurs in this settlement.