

## ***\$ 8 MILLION AWARDED IN FATAL ERROR BY HOSPITAL***

Doctors at MetroHealth Medical Center who treated Richard Stewart for a skull fracture last year failed to detect that the 37 year old had developed bacterial meningitis.

They thought the seizures and high fever he was experiencing might be symptoms of alcohol withdrawal. Within four days, the Ashtabula man died. The infection had ravaged his brain.

Yesterday, a Cuyahoga County Common Pleas jury ruled that MetroHealth must pay \$8 million to Stewart's family - his wife, Kathryn, and four children ages 5,8,13 and 15.

The hospital had admitted before the trial, which began Monday in the courtroom of Judge Nancy R. McDonnell, that its doctors should have diagnosed the meningitis and did not, but it said the \$8 million award was excessive.

Richard Stewart, a chemical company worker, also was a self-employed tree-trimmer. He was injured Feb. 16, 1996, when a branch struck him on the front part of the head, fracturing his skull. He was treated at Brown Memorial Hospital and then taken by LifeFlight helicopter to MetroHealth, where trauma specialists were to care for him.

Stewart was moved into a regular room the next day but became disoriented and developed a fever on Feb. 18. He died the morning of Feb. 20.

"He spent two days laying there with his brain being eaten by this infection. And they restrained him," said lawyer Charles I. Kampinski, who represented Stewart's family.

"He was treated on a holiday weekend by residents who really didn't have a clue," Kampinski said, noting that meningitis is a common concern for people whose skulls are

fractured.

"He should be alive today. All he needed was penicillin," he said. "He was ignored to death."

Gary H. Goldwasser, MetroHealth's lawyer, said Stewart was treated by a team of trauma doctors that included interns as well as residents and said the level of care was not lowered, as Kampinski alleged, because it was President's Day weekend.

"That's a total, outrageous fabrication," Goldwasser said.

Goldwasser acknowledged the doctors made a "tragic" mistake by not considering meningitis as a diagnosis. He also acknowledged that had the diagnosis been made and Stewart been treated with antibiotics, he would have survived.

He said the hospital went to trial because it did not agree with Stewart's family on the size of the settlement.

"They screwed up and they wanted to pay," Goldwasser said.

He said doctors did not diagnose alcohol withdrawal but considered it one possible cause for the seizures.

"Metro sees a lot of alcoholics who suffer traumatic head injuries, and when people no longer have alcohol, they have withdrawal," he said. Kampinski said the family told doctors that Stewart was not a heavy drinker.

"We deeply regret what has occurred and can only continue to express our sincerest sympathies to the entire Stewart family." the hospital said in a release issued after the jury verdict. Goldwasser said he has not decided whether to appeal the award.