

# THE PLAIN DEALER

CLEVELAND, OHIO, MAY 6, 1992

## Jury awards \$6.3 million in case against Clinic, doctor

For at least eight years, Mike Carrick followed the advice of his doctor and took a prescription drug for gout, a painful disease that afflicted his ankle and knee.

What Carrick's doctor didn't know was that the drug was poisoning Carrick.

The drug, Indocin, can cause permanent kidney damage to someone with kidney disease. Carrick's physician, Dr. Robert P. Riley of Lakewood, didn't know that his patient had kidney problems, even though annual blood tests he ordered for Carrick showed signs indicating renal disease.

Yesterday, a jury in Cuyahoga County Common Pleas Court deliberated just three hours before handing up a \$6.3 million verdict against Riley and the Cleveland Clinic, where Carrick died May 16, 1989.

"It's frightening, absolutely frightening what happened to him," said lawyer Charles I. Kampinski, who represented the Carrick family. "He (Riley) had no idea how to treat kidney disease. He didn't have a clue what was going on."

Riley's lawyer declined to comment yesterday and said he didn't know if his client would appeal.

But John A. Auble, general counsel for the Cleveland Clinic, condemned the verdict and said the hospital would fight it. He said it was the largest verdict against the Clinic in the 25 years he has been its lead lawyer.

"I've never seen a judgment from a jury that's more unjust than this \$6.3 million is," Auble said. He said Riley had a \$1 million

insurance policy limit meaning it is likely the Clinic will end up paying the bulk of the award.

Carrick's widow, Diane, said she believed her husband was mishandled by the Clinic. But she mostly blames Riley.

"He didn't have a clue as to what was wrong with Mike," she said. "If he did, he chose to ignore it. There's no doubt in my mind that had Mike had a proper diagnosis, he would definitely be here today."

Riley was Carrick's doctor for 17 years and had been prescribing Indocin for Carrick's gout since at least 1980, Kampinski said. He said gout is sometimes caused by kidney disease.

Riley is the head of nephrology — the specialty that deals with the kidneys — at Lakewood Hospital, even though he is not certified in that specialty, Kampinski said.

Despite blood tests that showed from 1980 through 1988 that Carrick had elevated levels of chemicals that are red flags for kidney disease, Riley did nothing, Kampinski said.

Kampinski said the problem got worse because the doctor continued to prescribe Indocin.

In early 1989, Carrick began getting pains in his shoulders and hips and was having trouble putting on a coat or combing his hair. His wife said he drove himself to Lakewood Hospital and insisted that he be admitted.

Diane Carrick said her husband deteriorated in the hospital. She began to grow

suspicious of Riley's treatment. She insisted that her husband, too weak to walk, be transferred to the Cleveland Clinic, where specialists might be able to figure out what was wrong.

Doctors at the Clinic quickly sized up the kidney disease and recommended surgery, Kampinski said. But he said they should have known Carrick's immune system was not strong enough for an operation and should have given him drug therapy and dialysis instead.

Carrick suffered a host of complications after the surgery, including hallucinations, pneumonia, a blood infection and a broken bone. Each problem brought a new set of doctors, some making conflicting recommendations for treatment, according to Kampinski and Diane Carrick.

Carrick died after biting into a tube from a ventilator, Kampinski said. But he said the real cause of Carrick's death was "multiple organsystem failure."

"Everything just went haywire with Mike after the surgery," he said.

Carrick was a plant supervisor with Chick Master, which makes incubators for the chicken industry. He and his wife had three children, now ages 14 to 21.

Diane Carrick said yesterday that she was pleased with the verdict.

"My main goal was to let people be aware that he (Dr. Riley) doesn't know what he's doing," she said. "I don't want anyone else to have to go through what my husband went through."