

## VERDICTS & SETTLEMENTS

# \$2.1M Awarded For Failure To Aid Blood Clotting

Complications required six subsequent surgeries

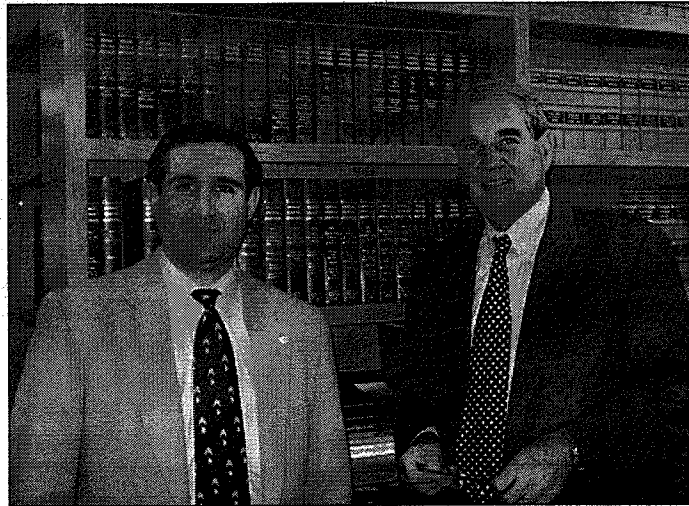
*Jo-Ann Smallridge v. Tramontozzi Goldberg & Fabry Surgical Associates LLC:* A Groton medical assistant has won a \$2.1 million jury verdict for a colon operation that led to six more.

JoAnn Smallridge sued now-retired Norwich surgeon Gerald R. Fabry on the ground that her blood tests prior to the initial surgery showed inadequate clotting capacity.

Fabry proceeded with the elective surgery, however, and Smallridge contended the resulting complications were unnecessary. Smallridge had a post-operative hemorrhage and developed a collection of blood on the pelvic floor. Fabry chose to operate again, and performed a temporary colostomy to deal with an infection that arose.

Represented by **Peter J. Bartinik Sr.** and his son, **Peter J. Bartinik Jr.**, of Groton's **Bartinik, Bartinik & Grater**, Smallridge had difficulty healing, and sought a second physician to reverse the temporary colostomy. Dr. William Sardella, a colorectal surgeon at Hartford Hospital, agreed to treat Smallridge. Unfortunately, a sponge was left in her abdominal cavity when Sardella reversed the colostomy. Smallridge claims the error was due to the nursing staff, charged with accounting for the sponges,

**Father-and-son attorneys Peter J. Bartinik Jr., left, and Sr. claim the defendant surgeon failed to adequately respond to their client's pre-surgery blood tests showing a deficiency in clotting capacity.**



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and did not name Sardella as a defendant.

On the contrary, she chose to have Sardella perform three more operations: to remove the sponge; to repair a hernia; and to repair another complication from the hernia operation. Hartford Hospital settled on the sponge issue before trial, held at Middletown's complex litigation docket before Judge **Robert E. Beach Jr.**

At trial, the Bartinik team relied on expert witness testimony from Dr. Steven I. Cohen, a general surgeon from Providence, R.I., affiliated with Brown University

Medical School, and Dr. Eric Jaffe, a New York City hematologist. They testified that, with pre-surgery blood tests showing a deficiency in clotting capacity, Smallwood should have been given Vitamin K or fresh frozen plasma, or both. Alternately, a consultation with a hematologist would have been appropriate.

The surgeon and his medical group, represented by **Thomas W. Boyce Jr.** of New London's **Faulkner & Boyce**, contended the blood test variation was a minimal factor in Smallwood's operation. In a two-week trial

that concluded June 27, the jury awarded \$422,430 in past economic damages, \$860,429 in future economic damages and \$750,000 in future non-economic damages.

In pending post-verdict motions, Boyce claimed the jury improperly awarded Smallwood an unfair windfall by calculating medical costs at the billed rate of \$225,000. "Under agreements with the state for Medicaid payments, the amount paid for medical treatment was only \$90,000," Boyce maintained. The difference between the billed amount and the paid amount is not a debt for which Smallwood is liable, or which the care-givers have a legal right to collect, he added.

Boyce also asserted that the evidence of future medical costs was inadequate to support the award, to the point of being speculative. ■

**Please send notice of defense or plaintiffs' verdicts or settlements, along with the names of the parties and their lawyers, the amount and date of the verdict or settlement, the jurisdiction/venue, and other relevant facts, to Managing Editor Kathleen Colket at [kcolket@alm.com](mailto:kcolket@alm.com).**