

Verdicts & Settlements

RESULT DATE: Nov. 8, 2019

Walter H. O'Rourke, Wendy L. O'Rourke v. Nayyer Z. Ali, M.D.; Nayyer Z. Ali, M.D., Inc.; Charles B. O'Brien, M.D.
(BC514989)

Los Angeles County Superior Court

20-JV_134086

TOPIC: Medical

SUB TOPIC: Malpractice

FURTHER DESCRIPTION: Loss of Consortium

Verdict: Defense

JUDGE:

Mark C. Kim

ATTORNEYS:

Plaintiff:

Robert F. Vaage (Law Offices of Robert F. Vaage)

Defendant:

Robert L. McKenna III (Kjar, McKenna & Stockalper LLP)

Stephen A. Rosa (West, Borges & Rosa LLP)

EXPERTS:

Plaintiff:

Jay N. Schapira M.D. (cardiology)

Michael Ritter M.D. (emergency medicine)

Benny Gavi M.D. (internal medicine)

Defendant:

Morton J. Kern M.D. (cardiology)

Michael Eilbert M.D. (internal medicine)

FACTS: On Jan. 13, 2012, plaintiff Walter O'Rourke, 53, woke up at 3:30 a.m. with severe left arm pain and abdominal pain. He, his wife, and adult son went to the nearest hospital they could find thinking that plaintiff was suffering from a heart attack. Plaintiffs were foreign residents and were unfamiliar with the local hospitals. Plaintiff ultimately presented to Community Hospital of Long Beach where plaintiff was worked up in the emergency department and by the hospitalist on call. Despite his initial complaints, the doctors said that plaintiff's EKGs and cardiac biomarker blood tests were all negative following his initial workup. There were no objective signs of acute coronary syndrome. Plaintiff was appropriately monitored. Later that afternoon, plaintiff's laboratory studies revealed a small heart attack and a cardiologist was consulted. During the process of obtaining the cardiology consultation, plaintiff unexpectedly suffered a large heart attack that later required a heart transplant.

Plaintiff was found to have significant coronary artery disease to the extent that his left anterior descending artery (LAD) was completely occluded and could not be stented on Jan. 13, 2012.

Plaintiff filed suit against hospitalist and critical care specialist, Nayyer Ali, M.D. and his group, and emergency medical physician, Charles B. O'Brien, M.D. and his group

PLAINTIFFS' CONTENTIONS: Plaintiffs contended that defendants negligently failed to diagnose and treat plaintiff's emergent cardiac condition that resulted in plaintiff suffering an irreversible, preventable and catastrophic STEMI heart attack and subsequent heart transplant.

DEFENDANT'S CONTENTIONS: Defendants contended that they complied with the standard of care and did not cause or contribute to plaintiffs' claimed injuries or damages.

The defense set forth testimony that there was no earlier intervention that would have altered plaintiff's outcome.

LENGTH: 17 days

POLL: 9-3 (Dr. Ali), 12-0 (Dr. O'Brien)

DELIBERATION: five hours and 30 minutes

LOST EARNINGS: Loe: \$6,562,827

MEDICAL COSTS: Meds: \$10,946,914

RESULT: The jury found for the defense.

FILING DATE: Jul. 12, 2013