



## Anesthesiologist's Fatal Error Leads to \$1.4 Million Verdict

**A** Burlington County jury awarded \$1.4 million on Sept. 27 in a wrongful-death suit against an anesthesiologist, *Esposito v. Reilly*.

Peter Esposito, 65, of Sicklerville, underwent prostate surgery at Virtua Hospital in Marlton in September 2005. His family claims that Dr. Dennis



**PROSTATE SURGERY GONE AWRY:** Plaintiff attorney Gary Ginsberg says the doctor gave the patient too much fluid to support his blood pressure.

Reilly, in addition to administering anesthesia, gave Esposito four liters of fluid to support his blood pressure, which was too much. Unable to breathe on his own after the surgery, he was first placed on a ventilator, and then had a tracheotomy. He developed sepsis and other problems and died, due to respiratory failure from congestive heart failure, 39 days after the surgery.

The family's lawyer, Gary Ginsberg of Ginsberg & O'Connor in Mount Laurel, says the parties disputed the extent to which Esposito was conscious, but his family testified that he experienced pain.

The case was tried before Superior Court Judge John Harrington. The verdict against Reilly consisted of \$1 million in pain and suffering damages on the survivorship claim; \$300,000 in wrongful-death damages, split evenly between past and future wages; and a stipulated sum of about \$140,000 for a Medicare lien and funeral expenses.

Reilly's lawyer, Paul Daly of Hardin Kundla McKeon & Poletto in Springfield, says he has filed motions to set aside or remit the verdict.

The plaintiff's motion to find vicarious liability on the part of West Jersey Anesthesia Associates of Marlton, which has a contract with Virtua to staff the anesthesiology department, is scheduled for Oct. 26.

West Jersey's lawyer, Christopher Wolk of the law office of Jay Blumberg in Woodbury, was out of the office and could not be reached.

— By Mary Pat Gallagher

### \$1.1M in Slip-and-Fall Case

*Park v. ACC Fort Lee Plaza:* A Ridgewood woman accepted \$1.1 million on Oct. 1 for back and neck injuries allegedly suffered in a parking-lot fall.

According to the suit, plaintiff Sally Park was leaving a Duane Read pharmacy in Fort Lee on Feb. 5, 2009, when she tripped over a rubber strip in a pavement expansion joint that had been lifted when the lot was plowed.

Park, now 55, suffered damage to her neck and back vertebrae, requiring fusion surgery, according to Bruce Stern, of Lawrenceville's Stark & Stark, who represented her along with Leonia solo Walter Faust.

The case, filed in Bergen County Superior Court, settled after a mediation session with retired Superior Court Judge Eugene Codey, now with Roseland's Connell Foley.

The pharmacy was in a shopping center owned by ACC Fort Lee Plaza LLC and maintained by DBS Maintenance LLC of Connecticut.

ACC Fort Lee Plaza's carrier, Chubb Corp., agreed to pay \$1 million, and DBS' carrier, Western Heritage Insurance Co., \$100,000.

Chubb retained David Burnett, of Daly, Lamastra & Cunningham in Reading, Pa. Western Heritage retained



**INJURIES TIED TO PARKING-LOT FALL:** Bruce Stern's client claimed that a raised rubber strip caused her to fall and hurt her back and neck.

Darryl Beckman, of Gibbsboro's Beckman Roth Ogazalek. Neither returned calls.

— By Michael Booth

### \$850,000 for Medical Malpractice

*Aleksiejczyk v. Ing:* A Camden County jury awarded \$850,000 on Sept. 21 to a Cinnaminson woman who claimed a surgeon's negligence led to removal of one of her kidneys.

Elissa Aleksiejczyk underwent surgery at Lourdes Medical Center of Burlington County in Willingboro in



**NEGLIGENCE ALLEGED IN COLON OPERATION:** Frank Allen claimed his client's ureter was blocked during surgery, requiring removal of a kidney.

October 2007 to remove a portion of her colon due to diverticulitis. Afterward, her left kidney became swollen, which she attributed to constriction of the ureter during surgery. Four operations to reopen the ureter were unsuccessful, and she had the kidney removed.

Aleksiejczyk sued Richard Ing, who performed the colon surgery, claiming his negligent use of a laproscopic stapler to close the colon incision resulted in the stapling of her ureter.

Aleksiejczyk, now 74, took two years to recover from emotional problems, a side effect of pain medication needed for the constriction problem, says her attorney, Frank Allen of Archer & Greiner in Haddonfield.

The defendants disputed the assertion that the ureter blockage was caused by a staple, says Allen. After trial before Superior Court Judge Lee Solomon, the jury awarded \$750,000 to Aleksiejczyk and \$100,000 per quod to her husband.

Ing's lawyer, Gregory Giordano of Lenox, Socey, Formidioni, Brown, Giordano, Cooley & Casey in Lawrenceville, did not return a call.

— By Charles Tautant

### \$550,000 in Car Accident Case

*Wu v. A&R Transport:* A West Orange woman received a \$550,000 settlement in her Essex County suit alleging injuries in a crash with a tanker truck.

On March 13, 2008, Mitzi Wu, then 42, was driving south on Route 1&9 in Jersey City when the northbound truck, driven by Paul Johnson Jr. of A&R Transport, attempted a left-hand turn in front of her and she hit it broadside.

Wu's lawyer, Robert Linder of Englewood, says she suffered a mild traumatic brain injury, a torn labrum in her left shoulder and a one-level cervical herniation. She underwent arthroscopic surgery on her shoulder. Due to the brain injury, she has lingering problems with cognition, short-term memory and concentration, he says.

Johnson, of Racine, Ohio, was cited for failure to yield and later pleaded guilty, Linder says.

The parties settled on July 26, a week before the matter was scheduled for trial. The settlement was paid around Sept. 1, Linder says.

A&R Transport was represented by Joseph Reardon III of Weston, Stierli, McFadden & Capotorto in Parsippany, staff counsel for Zurich Insurance Co. He did not return a call.

— By David Gialanella

**BLUME GOLDFADEN BERKOWITZ  
DONNELLY FRIED & FORTE, PC**

A PROFESSIONAL CORPORATION

**We may all be in the same field . . .  
But we don't all get the same results.**

For serious personal injury,  
medical malpractice or  
product liability issues...  
*refer with confidence.*

**The Lawyers Other Lawyers Trust.**

**(973) 635-5400**

Chatham • Jersey City • North Bergen • Sea Girt

**www.njatty.com**

Referral fees paid without the necessity of your participation pursuant to R:1:39-6(d).