

## **\$450,000 Settlement In Suit Alleging Failure To Prevent Impending Heart Attack**

On January 25, 1997, at approximately 6:30 p.m., Anthony A. Merlock, Jr. went to the emergency room of defendant South Jersey Hospital System-Millville Division, complaining of chest pain. A cardiac care work-up was ordered by the attending emergency room doctor including an EKG and cardiac blood tests. At 7:00 p.m., a shift change took place and defendant Nuar relieved the prior attending physician.

Mr. Merlock was discharged at 8:30 p.m., despite an abnormal EKG and despite the fact that the lab results from Mr. Merlock's cardiac blood work-up had not been received.

The test results were subsequently received in the emergency department five minutes after Mr. Merlock's discharge. The tests were abnormal with Mr. Merlock's cardiac enzyme level being extremely high. Attempts made by hospital staff to locate Mr. Merlock in the parking lot were unsuccessful. Additional attempts to contact Mr. Merlock were also unsuccessful. Approximately one hour later, police and ambulance personnel were called to the scene of a motor vehicle accident. Mr. Merlock had suffered a massive heart attack and died prior to arriving home from the hospital. His autopsy confirmed the immediate cause of death as a heart attack.

Plaintiff retained Samuel Kiehl, an emergency medicine expert who testified that it was a deviation from the standard of care to discharge the plaintiff prior to receiving all of the cardiac test results. Plaintiff also retained Monty Bodenheimer, a cardiologist who opined similarly as to the deviation and also that plaintiff had a 95% chance of full recovery and normal life expectancy had an accurate diagnosis been made.

**Injury:** Death.

Plaintiff was survived by his wife, whom he did not live with, and two adult daughters. He was 67 years old at the time of his death and was retired.

**Result:** \$450,000 settlement.

**Plaintiff's Expert Witnesses:** Samuel Kiehl, M.D., Emergency Medicine, Grove City, OH; Monty Bodenheimer, M.D., Cardiology, New Hyde Park, NY.

**Plaintiff's Attorney:** Louis J. DeVoto, of Ferrara, Rossetti & DeVoto, Cherry Hill, N.J.

**Defendant's Attorney:** David Mayfield, Cherry Hill, N.J.

*Crispo v. Nuar*, No. ATL-L-444-98 (Atlantic Cty. Super. Ct. N.J. March 28, 2000)

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