

# Duct cut in gall bladder surgery, woman dies

Defense said action was known risk, should not be ruled as negligence

## \$1.8 million

In a wrongful death lawsuit filed in Gratiot County Circuit Court, Aaron Forrest Ames, representing the estate of plaintiff's decedent Lucy Ames, asserted that Dr. Gregory R. Strauther and Gratiot Health System were negligent in a gall bladder removal procedure.

In March 2002, Lucy Ames, 41, was admitted to the hospital for severe abdominal pain. She was diagnosed with chronic gall bladder disease. Two days later, Strauther performed laparoscopic gall bladder removal, a common, simple procedure where patients may leave the hospital within a day or two.

Ames suffered for four months while accumulating more \$500,000 in medical expenses. On July 30, 2002, Ames died at the University of Michigan Hospital from sepsis and a perforated cecum (a pouch at the start of the large intestine).

The plaintiff's estate contended that

<b>Type of action:</b> Medical malpractice	<b>Verdict amount:</b> \$1.8 million
<b>Type of injuries:</b> Death	<b>Special damages:</b> \$551,975.62
<b>Name of case:</b> <i>Ames v. Strauther, et al.</i>	<b>Insurance carrier:</b> MHA
<b>Court/Case no./Date:</b> Gratiot County Circuit Court; 06-010212-NH; June 17, 2009	<b>Attorneys for plaintiff:</b> Brian J. McKeen, Terry A. Dawes
<b>Tried before:</b> Jury	<b>Attorney(s) for defendant:</b> Withheld
<b>Name of judge:</b> Randy L. Tahvonen	<b>Keys to winning:</b> Persistent focus on defendant's different versions of what occurred in operative report, discharge summary and deposition
<b>Demand:</b> \$1.5 million	
<b>Highest offer:</b> \$500,000	

Strauther was negligent, as he clipped the right hepatic duct during the laparoscopic gall bladder removal, which led to plaintiff's decedent's death.

In his operative note, Strauther made no mention of clipping any "bleeders" (i.e. bleeding blood vessels). However, on Lucy Ames' discharge note, Strauther credited bile leakage to the installation of a stent in response to post-operative complications.

The defense asserted that plaintiff's decedent suffered from abnormal anatomical structures, which complicated the surgery. It also was contended that the unintentional clipping of the hepatic duct was a known risk

to the surgery, thus, not medical negligence.

Also, after Ames was taken to the UofM Hospital, Strauther stated that the clipping of the duct must have been done inadvertently while he was clipping bleeding blood vessels.

The plaintiff showed that where there was abnormal anatomy, laparoscopic gall bladder removal should not be attempted; as such, clipping a hepatic duct is medical negligence. Further, the procedure should have been an open gall bladder removal.

The jury found for the plaintiff's estate and awarded \$1.8 million, with \$551,975.62 in special damages for medical expenses resulting from defendant's negligence.