

February 5, 2014

Shiawassee County jury delivers \$750,000 verdict after misdiagnosis leads to death

By Gary Ridley



(AP Photo/Gerv Broome)

CORUNNA, MI -- A Shiawassee County jury has ordered a physician staffing company to pay \$750,000 after doctors misdiagnosed an Owosso woman who died from the error.

Jurors returned the unanimous verdict Friday, Jan. 31, following a roughly two-week trial in Shiawassee Circuit Court in the death of 49-year-old Diane Miller, according to attorney Joel

Sanfield. Sanfield and attorney Brian Molde, both from the Detroit-based law firm of McKeen & Associates, represented Miller's sister, Debbie Carrier, who filed the lawsuit after Miller died from an aortic dissection March 7, 2009.

"The goal in the process was to seek justice for her," Carrier said of her sister.

Miller went to the emergency department of Memorial Healthcare in Owosso around 8 p.m. March 6, 2009, complaining of high blood pressure and chest pain that radiated to her back, according to Sanfield.

"It would wax and wane but it just wouldn't go away," Sanfield said of the pain.

The doctors conducted a number of tests and ruled out multiple possible causes for the symptoms except for pneumonia and the aortic dissection -- a tear in the major artery carrying blood from the heart.

A test used to diagnose an aortic dissection was ordered, but the type of test was changed after Miller told doctors she was allergic to a substance used in the process. Two less-comprehensive tests were conducted but doctors were unable to diagnose the dissection, said Sanfield.

The doctors diagnosed Miller with pneumonia and discharged her March 7, 2009, from the hospital. She collapsed and died around 8:30 a.m.

Sanfield argued that the doctors erred by failing to perform the tests necessary to diagnose the dissection or transfer her to a hospital that had alternate tests that could have made the diagnosis.

He added that the hospital also failed to stabilize Miller's blood pressure before she was released, which could have eased the symptoms of the dissection.

"It's a very rare condition but it is diagnosable and treatable if caught early," Sanfield said.

Paul Manion, an attorney with Detroit-based Rutledge, Manion, Rabaut, Terry and Thomas, represented the doctors and Tri-County Emergency Physicians, a hospital staffing company. He said he plans to appeal the ruling.

"(T)he defendants in the Miller trial were stunned and disappointed at the verdict," Manion said. "They complied with the standard of care in treating Mrs. Miller."

The hospital was not named as a defendant in the case.

While a large amount, the decision is still much less than the largest verdicts ordered in the state in 2013. McKeen & Associates [secured the largest verdict](#) issued by a Michigan state court in 2013 with a \$13 million judgment in a Genesee County case. The firm also had four other multi-million dollar settlements that ranked among the 25 largest in the state in 2013 -- including a misdiagnosis that led to death.

For Carrier, the verdict was justice for a woman her family thought of as their "mother hen."

"We kind of referred to her as our champion," Carrier said. "She was our defender."

Miller was married and had three sons, two grandchildren and four other nieces and nephews, Carrier said.