

Suit over infertility treatment ends with Phila. jury's award

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A Philadelphia Common Pleas Court jury on Thursday awarded \$25 million to the estate of a 37-year-old obstetrician-gynecologist who died less than two weeks after infertility treatment.

But Dr. Susan Matteo's estate will actually receive less than that. It will get \$13 million from a pretrial settlement, and \$2 to \$4 million from Pennsylvania's Medical Liability Catastrophe Fund, according to attorneys who tried the case.

The complicated case goes back to 1995, when Susan Matteo and her husband Anthony - both ob-gyns who practiced at Holy Redeemer Hospital in Meadowbrook - sought infertility treatment from Jerome Check and Ahmed Nazari, doctors at the Cooper Institute for In Vitro Fertilization in Marlton .

Check diagnosed Susan Matteo with an auto-immune syndrome that can cause miscarriages. He prescribed blood-thinning drugs to treat the problem.

Thomas Kline, the Philadelphia attorney who represented her estate, argued that she died of inappropriate treatment, compounded by negligence: First, the blood thinners she had taken triggered heavy bleeding from her ovaries after Nazari removed eggs from them. Then, when an alarmed nurse called Check about the patient's symptoms, he took about 90 minutes to arrive and examine her.

But Susan Matteo did not die until days later. John J. Synder, the Philadelphia attorney who represented Check and Nazari, argued that her death was actually caused by her own husband's actions. Soon after Check arrived, Anthony Matteo and a general surgeon operated to stem her bleeding.

For two days after that, she seemed to be improving, but she fell into a coma. She did not regain consciousness before her death nine days later.

Anthony Matteo and his wife's father, William Wester, sued Check, Nazari, Holy Redeemer and Elinore Newhall, a nurse at the hospital who care for Susan Matteo in the hours just before her death. The defendants countersued Anthony Matteo.

Before the 13-day trial, two settlements were reached. The catastrophe fund and insurers for Holy Redeemer Hospital and the nurse agreed to pay Matteo's estate \$5 million. Insurers for Check and Nazari agreed to pay \$8 million.

The outcome of the trial means the catastrophe fund must also pay up to \$4 million on behalf of Check and Nazari, who practice in Pennsylvania and New Jersey, Kline said.

Wester, the administrator of his daughter's estate, and Anthony Matteo are her beneficiaries.