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Stroke Victim Awarded \$7.4M in Delco Med Mal Case

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Of the Legal staff

A man who claimed his stroke was the result of a doctor's failure to treat his high blood pressure has been awarded a verdict of roughly \$7.4 million by a Delaware County jury.

Plaintiff Finis Cuff, 61, of Darby sued Dr. Douglas L. Keagle and Mercy Fitzgerald Hospital for failing to address Cuff's 200/80 blood pressure. The verdict in the case was handed up Wednesday in Delaware County Court of Common Pleas Judge Spiros Angelos' courtroom after a seven-day trial and four-and-a-half hours of deliberation.

The jury found Keagle 61 percent negligent and Cuff 39 percent negligent and awarded Cuff \$350,000 for future loss of earnings, \$3.5 million for pain and suffering, roughly \$2.6 million for future medical expenses, as well as \$950,000 to the estate of Cuff's wife, who suffered a fatal asthma attack while taking care of him.

The verdict is the eighth largest to come out of Delaware County in the past 20 years, according to Legal sibling publication PaLaw.

Cuff was represented by **Andrew J. Stern** and **Elizabeth A. Crawford** of Kline & Specter. Stern said there were a number of challenges in the case.

"There were several claims of patient noncompliance involving smoking, high cholesterol, diabetes—failing to control sugar—and high blood pressure as well as non-modifiable risk factors," Stern said. "It was our position that it had no bearing on what ultimately caused his stroke and the resulting catastrophic injuries."

Additionally, Stern said there were competing theories as to what exactly caused Cuff's stroke, since his post-stroke workup was unrevealing. While the plaintiff claimed it was caused by high blood pressure, according to Stern, the defense claimed the stroke was caused by a blockage.

Stern said he is set to file a motion for delay damages, which if granted will push the overall verdict past the \$8 million mark.

Frank A. Gerolamo III of Gerolamo McNulty Divis & Lewbart represented the defendants and did not respond to a call and email seeking comment.

Cuff was seen by Keagle on April 16, 2010, at which time his blood pressure was 184/94, according to the plaintiff's court papers. Cuff was told to continue on his blood pressure medication.

On May 14, 2010, Cuff returned to Keagle with a blood pressure of 200/80, experiencing headaches and lightheadedness. Court papers said Keagle upped Cuff's blood pressure medication and advised him to return in four weeks.

Two days later, Cuff had a "large hypertensive stroke."

"As a direct proximate result of the defendants' negligence, Finis Cuff's elevated blood pressure was ignored and allowed to progress to hypertensive stroke without appropriate medical intervention," court papers said.

After the stroke, Cuff lost function in both legs and his right arm, requiring his wife to take care of him until she suffered her fatal asthma attack.

"Mrs. Cuff went to Mr. Cuff for help; however, because of his paraplegia, he was unable to attend to her needs or call for help—she literally suffered and died in front of her husband," court papers said.

The defendants claimed Cuff poorly managed his health for years. According to defense court papers, Cuff smoked a pack of cigarettes a day and took no medications to control his diabetes, hypertension and hyperlipidemia between 2006 and 2008.

The defendants claimed that upon seeing Keagle in October 2008, Cuff was also diagnosed with high cholesterol and obesity. Defense papers added Cuff did not keep up with filling his prescriptions until seeing Keagle again in April 2008.

Overall, defense papers said, "Mr. Cuff's ischemic stroke was caused by atherosclerosis—not acutely elevated blood pressure on May 14, 2010. His atherosclerosis developed over many years due to Mr. Cuff's chronic failure to comply with his physicians' advice to stop smoking and take medications for his hypertension, diabetes, and dyslipidemia."