

DAILY LOCAL NEWS

Woman gets \$927,000 for botched surgery

WEST CHESTER — A Common Pleas Court jury has awarded more than \$900,000 to an Exton woman who said her career plans to help find a cure for Alzheimer's were derailed when a medical procedure at Paoli Hospital left her with a damaged right hand.

Myriam Gastard, a French national with degrees in neurobiology, was left with numbness and loss of movement and strength in her right hand after a catheter was apparently improperly inserted in her arm after she went to the hospital complaining of pain in January 2008.

In a trial in Judge Robert Shenkin's courtroom this week, the hospital and the nurse who performed the procedure admitted negligence but argued that Gastard deserved no award for loss of earnings because she had maintained her employment and salary as a product specialist at a medical equipment company.

Her attorneys, Andy Youman and Earlie Francis of the Philadelphia law firm of Kline & Specter, argued that her current position was but a stop on her ultimate career path of finding a job helping research a cure for Alzheimer's disease. To do that, she would have had to perform microsurgery on lab rats, which she would be unable to do because of her injury.

"She was on her way," Youman said Friday. "That was going to be her career." But because of the loss of motion in her hand, and because she would have to wear a non-sterile brace, Youman argued that no firm would hire her to perform the surgery.

"She cannot perform the physical requirements of the job," Youman said.

The jury awarded Gastard \$927,000 in lost earnings Thursday after a three-day trial. Youman said his client had hoped for a larger amount. An economist had testified that the high end of what she could have earned topped \$1.8 million.

"She is satisfied," Youman said. "A larger verdict would have made her pleased, but she was satisfied with the jury's verdict."

An attorney for the hospital, Anne Cairns of the Philadelphia firm of Eckert Seamans, could not be reached for comment.

Gastard, 44, studied at the Pierre and Marie Curie Institute in Paris, at the University of California at San Francisco and at Johns Hopkins University, receiving her doctorate in neurobiology. She had trained to do research into the causes of Alzheimer's but had taken a job as a product specialist at Leica Microsystems while the economy suffered and so she could be near her fiancé while awaiting U.S. citizenship.

She arrived at the emergency room of Paoli Hospital the evening of Jan. 19, 2008, complaining of pain in her right side. Because of an earlier kidney infection, a series of tests were ordered and a nurse, Lori Crowley Tobelman, prepared a catheter to insert in a vein in her right arm to administer medications, according to court documents.

As soon as the catheter was inserted, however, Gastard experienced sharp pain and asked that the catheter be removed. It was left in, however, for more than 24 hours after a doctor told Gastard that she was fine.

When she was discharged, however, she had lost some feeling in her right hand. Eventually, she underwent surgery to repair nerve damage but was left with numbness in her right thumb and forefinger, decreased movement of her right thumb and loss of hand strength.

She filed suit in November 2009, claiming negligence and asking for damages because of loss of future earnings.

According to Youman, the hospital's attorneys argued Gastard had not lost any earnings because she was still employed at Leica, where she accompanies sales representatives for scientific microscope products as a specialist and earns \$60,000 a year.