



By Jon Campisi

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Jury awards \$1.87 million in carbon monoxide death

A Philadelphia Common Pleas Court jury awarded a hefty judgment to the estate of a woman who died from carbon monoxide poisoning four years ago.

The jury returned a verdict in the plaintiff's favor May 24 in the amount of \$1,869,449, according to court documents and the plaintiff's attorney.

The verdict came about a week after jury selection and arguments began.

The jury trial, which was overseen by Common Pleas Court Judge Patricia A. McNerney, involved a medical malpractice lawsuit filed in January 2009 by Philadelphia attorneys [Thomas R. Kline](#), [Andrew S. Youman](#) and [Michael A. Trunk](#), of the law firm Kline & Specter, on behalf of Jemal Shatemirov, the son of Koulmara Chrol, who died on Feb. 12, 2007.

Chrol's death was attributed to carbon monoxide poisoning, according to a copy of the lawsuit, which had named as defendants Temple University Health System, Inc., Jeanes Hospital and two emergency room care physicians who the plaintiff alleged failed to diagnose his mother's condition during the two times she was admitted to the hospital in the weeks preceding her death.

Before the case went to trial, one of the doctors originally named in the lawsuit, Mark Ulitsky, was dismissed as a defendant by the plaintiffs, attorney Trunk said by phone.

The only two defendants remaining when the case went to trial were Jeanes Hospital and doctor Dana Mark Weber.

According to the complaint, Chrol had been admitted to Jeanes Hospital's emergency department by ambulance on Jan. 22, 2007 after complaining of headaches accompanied by nausea, vomiting and dizziness. Emergency room physicians diagnosed her with a migraine, the lawsuit stated.

Two days later, Shatemirov, Chrol's son, was also admitted to the hospital with the same symptoms, the suit stated. He was evaluated by doctors, who focused on his stomach problems, but "failed to recognize the significance of the complaints of headache" in both he and his mother during her prior visit.

The lawsuit faulted the doctors for not recognizing that carbon monoxide exposure was a possible cause of Chrol and Shatemirov's respective headaches.

Chrol was re-admitted to the emergency room on Jan. 26, and once again, doctors failed to rule out carbon monoxide exposure as a possible cause of the symptoms, the suit stated.

Four days later, emergency responders were called to Chrol's home for a report of unresponsive persons. Upon arrival, EMS workers discovered Chrol's husband and another son, Bartosh Chrol, dead of "classic signs" of carbon monoxide poisoning, the suit stated.

Chrol herself was found unresponsive and required breathing assistance, according to the complaint. She was taken to Elkins Park Hospital where she remained in a coma until her death on Feb. 12.

The lawsuit had accused the defendants of negligence, corporate negligence and wrongful death.

"They didn't do a very simple test," Trunk, during a phone interview June 1, said of the doctors. "It's very fast, its very inexpensive and it's a very objective, determinative test."

Chrol, 44, who was an employee of Jeanes Hospital at the time of her death, could have learned the cause of her symptoms early on if doctors had administered testing to rule out carbon monoxide, Trunk said. Instead, she and her family members succumbed to the gas, which was being emitted into their home through a clogged chimney.

Trunk said he and his co-counsel were pleased with the outcome of the verdict.

"We're very happy for our client," he said. "The jury understood the facts and they understood what the hospital's responsibilities were and what the doctor's responsibility was. We're obviously very pleased."