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\$5M Verdict in Med Mal Suit Over Feeding-Tube Death

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A Montgomery County jury has handed up a verdict awarding \$5 million to the family of an 88-year-old man who died after a feeding tube was improperly inserted into his lung, filling it with feeding solution.

In *Tong-Summerford v. Abington Memorial Hospital*, the jury on May 13 assigned \$3.5 million in Survival Act damages and \$1.5 million for the wrongful death of Marvin Summerford, who died in December 2008 while he was a patient at Abington Memorial Hospital. The hospital was apportioned 25 percent of the verdict, while Dr. Kristin Crisci, the radiologist who incorrectly read an X-ray as showing the feeding tube ending in Summerford's stomach, was apportioned 75 percent of the total.

According to the plaintiffs' pretrial memorandum, Summerford was transferred to the hospital's emergency department from his assisted living facility in November 2008. The following week, a feeding tube was inserted, which Summerford pulled out. Dr. Valerie Bonica reinserted a feeding tube the next day and ordered a

chest X-ray to confirm proper placement. Crisci, of the Radiology Group of Abington, reviewed the study and read it as showing no problems, the memo said.

Bonica was a first-year resident at Abington Memorial, according to the hospital's pretrial memo.

After the X-ray was reviewed, tube feedings were started into Summerford's lung and continued for 12 to 14 hours, the plaintiffs' memo said. He began to drown on the feeding solution and exhibited symptoms of distress that his health care providers failed to associate with possible misplacement of the tube, the memo said. Following an earlier incident in which Summerford had tried to get out of bed, he had been placed in soft restraints at the time of his death.

Anita Tong-Summerford brought suit as the administrator of her father's estate, alleging negligent assessment and monitoring of the feeding tube. According to the plaintiffs' pretrial memo, the defendants failed to have policies in place outlining the proper X-ray study for the situation and failed to recognize Summerford's symptoms of respiratory distress, in addition to the incorrect X-ray reading and misplacement of the tube.

Crisci testified at her deposition that insertion of the feeding tube

into Summerford's lung caused his death, the plaintiffs' memo said.

Crisci's defense memo said she thought the views she had in reviewing the study were adequate to make a determination about the placement of the feeding tube. She decided the tube was in the abdomen, but at her deposition she admitted that it was not properly placed.

The defendants produced an expert report from Dr. Leonard Berlin indicating that Summerford had a hernia that caused the upper portion of his stomach to slip into the left side of his chest, calling it a reasonable cause for the displacement, Crisci's memo said.

The defendants noted Summerford's age, short life expectancy and history of medical issues as reasons to minimize damages in the case. Crisci's memo also suggested that any agitation he experienced because of the feeding tube could have appeared normal for him, noting that he had removed a -feeding tube earlier in his stay.

According to the defense memo for Abington Memorial and Bonica, a settlement conference in 2013 produced a plaintiffs demand of \$500,000 and a \$200,000 offer by all defendants, but no agreement was reached. Crisci's memo indi-

cated a \$147,000 offer had been rejected. The plaintiffs' memo said parties were far apart after settlement discussions and no further demand was made.

The unanimous 12-member jury deliberated for three hours following a five-day trial in Montgomery County Judge Thomas Del Ricci's courtroom.

Plaintiffs counsel Michael Trunk of Kline & Specter said he was pleased with the result.

"The jury understood the nearly 12 hours of pain and suffering that Mr. Summerford endured while the feeding tube was slowly filling his lung up with feeding solution, and they also understood the enormous loss this was of a father, grandfather and -great-grandfather," Trunk said.

He said it was a "horrific way to die," and that Summerford's pain and suffering at age 88 was no different than the pain and suffering experienced by an individual at any other age.

Defense attorney Nancy Raynor of Raynor & Associates, representing Crisci, said the verdict was "grossly excessive" under the evidence presented.

Carolyn DiGiovanni of Marshall Dennehey Warner Coleman & Goggin, -representing the hospital and Bonica, did not return a call for comment.