

Blind boy awarded \$20 million in malpractice suit

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A Montgomery County jury last week awarded \$20 million to a 6-year-old boy who went blind because, it found, doctors and Abington Memorial Hospital failed to stress the urgency of speedy treatment.

The award is believed to be the largest jury award in a medical malpractice case in the county and perhaps all the Philadelphia suburban counties.

But the case almost wasn't tried in the suburbs at all, plaintiff's attorney Donald Matusow said. Lawyers originally petitioned to move the case to the city, but a new state change-of-venue law kept the three-week-long trial in the county where the boy was treated.

Of the total award, \$1 million was for future wage loss, \$1.3 million was for costs associated with life care expenses and the remainder for the loss of vision and future suffering, he said.

"He won't know it," he said, "but his financial future is secure."

Matusow said the following series of events led to Egan v. Koller:

Emmitt Lee of Richlandtown was born premature and seen by ophthalmologist Harold Koller at Abington Memorial Hospital in June 2000. By late July 2000, early stages of an eye disease relatively common in premature babies developed. Koller again saw the boy on Aug. 8, 2000.

Dr. Ara Moomjian, the head of neonatology at the hospital, advised the family to make another appointment, but did not stress the appointment with enough urgency, the plaintiffs argued. By the time Koller saw Lee again on Aug. 30, 2000, he was blind.

"It turned out there was a small window of time he could have been turned over to the surgeons," Matusow said. "The surgery has been remarkably successful in reversing the blindness."

The boy faced a 20 percent risk of the condition not resolving or worsening, which is what happened, he said.

The jury decided responsibility for the boy's condition rested 60 percent with the hospital and 35 percent with Moomjian. Their attorney, Richard Kolb of White & Williams, did not return calls Tuesday.

The jury found Koller's practice 4 percent responsible and the child's pediatrician 1 percent responsible.

The lead plaintiff's attorney was Shanin Specter of Kline & Specter with attorneys Matusow and Jennifer Russell.

The boy's parents, who did not seek any damages themselves, were gratified not only by the decision, but also the jurors' post-trial comments about how impressed they were with Emmitt.

“Living day to day with this child's condition,” Matusow said, “they don't really focus on what he can't do. They focus on what he can do. I know him fairly well and he's got a great disposition and his outlook in life is not one bit sour.

“I worry for the future though.”