

Hartline Dacus Barger Dreyer LLP Successfully Defends Assisted Living and Rehabilitation Facility in Medical Malpractice Jury Trial

Dallas, TX, August 02, 2012 – Following a two-week medical malpractice jury trial in Dallas, Texas, Hartline Dacus Barger Dreyer LLP attorneys Darrell Barger and Brian Rawson won a defense verdict for an assisted living and rehabilitation provider with multiple facilities in Texas.

The plaintiff, a man in his sixties, was a patient at the rehabilitation facility in the spring of 2009. He was receiving rehabilitation and inpatient treatment following previous strokes. In the petition filed with the court, the plaintiff claimed he suffered from another stroke due to the negligence of the nurses and rehabilitation technicians at the facility. He alleged the facility staff failed to remove an old Fentanyl pain patch, which resulted in an extended period of very low blood pressure that he claimed caused him to suffer another stroke. The plaintiff told the jury that the facility was negligent for overmedicating him with the narcotic Fentanyl, and failing to properly supervise and monitor his vital signs during the treatment with the Fentanyl patch. The plaintiff's counsel also alleged that the defendant failed to timely call for emergency medical services to help reverse the unwanted low blood pressure effect of Fentanyl.



Darrell Barger



Brian Rawson

The plaintiff claimed that he would require constant assistance and supervision at a nursing home for the rest of his life, as a result of this alleged negligence. Plaintiff's counsel Fred Shiver asked the jury to award approximately \$4 million in past and future medical expenses and unspecified amounts for disfigurement and conscious pain and suffering.

The plaintiff's counsel introduced testimony from Daniel Hanley, M.D., a Board Certified neurologist from Johns Hopkins Medical Institutions, to provide opinions on Fentanyl and how the plaintiff suffered from a stroke due to the staff at the facility failing to meet the applicable standard of care.

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With the assistance of Charles Marable, M.D., a Board Certified neurologist and expert in pharmacology and toxicology, Barger and Rawson argued that their client met the standard of care by taking reasonable steps in attempting to locate the old Fentanyl patch. They further argued that the old Fentanyl patch played no role in the plaintiff's low blood pressure episode, and that the facility staff adequately monitored his blood pressure and timely notified his doctor, family members, and emergency personnel. The defense case included a compelling argument that the plaintiff's current condition resulted from his pre-existing health problems and conditions, and that contrary to his claims, he didn't suffer from a stroke on the day of the incident.

"We believed there was abundant evidence that our client had provided excellent care to this patient. They're a highly regarded facility with excellent credentials, and they're dedicated to providing the highest caliber of care to all individuals," said Brian Rawson, a partner in HDBD's Dallas office. "We were extremely pleased that the jury's verdict aligned with our arguments in this case."

The Dallas County jury of seven women and five men returned a unanimous defense verdict after one hour of deliberations on July 9, 2012.

Hartline Dacus Barger Dreyer LLP is a Texas-based law firm specializing in civil litigation and trials, with offices in Dallas, Corpus Christi and Houston. The firm's attorneys pride themselves on providing uncompromising excellence to their clients in a variety of areas, including products liability, commercial litigation, class action and multidistrict litigation, intellectual property, personal-injury defense, premises liability, labor and employment, insurance coverage, health-care, construction, and dealer/franchise litigation. For more information about HDBD, visit <http://www.hdbdlaw.com>.

SOURCE: Hartline Dacus Barger Dreyer LLP

CAUSE/CASE NO: DC-11-03800

COURT: 44th Judicial District Court, Dallas County, Texas

JUDGE: Hon. Carlos R. Cortez

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