

JUNE 16, 2015

# DAILY REPORT

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## Woman Wins \$4M Med-Mal Verdict After Three Days of Jury Deliberation

**KATHERYN HAYES TUCKER**

A CELLPHONE CUSTOMER service representative has won a \$4 million medical malpractice verdict for a surgery she contends was inappropriate and left her unable to eat.

The Clayton County State Court jury deliberated for three days before returning its verdict in favor of Jeannette Collins, according to her attorneys, David Turner of Schulten Ward & Turner and Glenn Kushel of Moraitakis & Kushel.

With the jury's long deliberation, the plaintiff's counsel had begun to worry about a deadlock. After three years of work on the case, it seemed their client couldn't bear to think of going through the process again. When the verdict was announced, she broke down and wept. "It was an emotional and heart-rending moment," Turner said. "Her fortunes turned on a dime."

Turner and Kushel said they



**L-R David Turner and Glenn Kushel**

*John Disney/Daily Report*

reached a subsequent agreement with the defense for payment, and the matter, tried before Judge John Carbo III, will be resolved without an appeal.

The defendants are two surgeons

and their practice: Dr. Ahmad Nuriddin, Dr. Manohar Nallathambi and Surgery South. They're insured by MAG Mutual. Their attorney is Roger Harris of Swift Currie McGhee & Hiers.

“This case involved surgical decision making, and a decision by these surgeons that had to be made in the operating room, at the time and in the best interest of their patient,” Harris said by email. “The issues in the case involved the question of medical management versus surgical management. While we accept the judicial process, we disagree with the jury’s verdict in this case. Both sides understood the risks involved with a jury trial, and worked to manage the risk in a way the led to an agreement being put in place before the jury reached its verdict. The agreement is confidential, but the case is concluded and there will be no appeals.”

The defense never made a settlement offer, the plaintiff’s attorneys said.

Up until the end, the surgeons contended they were right to do the operation in the way they did. Their summary noted they encountered a number of complications from scar tissue left behind by the plaintiff’s chronic gastrointestinal problems and prior abdominal surgeries.

The plaintiff’s side maintained the doctors were “wrong on the medicine.”

Collins went to the emergency department of Piedmont Henry Hospital in February 2012 with abdominal pain, vomiting and nausea. She was 46 at the time. The emergency medicine physician ordered tests, including a CT scan. Radiologists reading the tests found a “small bowel obstruction,” and a

surgery was scheduled to remove it. Both sides agree that the surgery for the bowel obstruction was necessary, according to their summaries written for the court.

Where they differ is on a second procedure that was done at the same time to correct a “gastric outlet obstruction” that kept the stomach from emptying.

The plaintiff’s medical experts testified that Collins did not have a gastric outlet obstruction, so the procedure to correct it was inappropriate. The procedure includes cutting a nerve to the stomach and intestine to reduce acid production, according to the plaintiff’s summary. It cannot be reversed.

“It’s an outdated surgery of last resort,” said Kushel. “It’s only done for diagnosed long-term gastric outlet obstruction,” which he said is typically caused by either a tumor or chronic peptic ulcer disease. Collins had neither of those conditions, he added.

In Collins’ case, cutting the nerve caused her to suffer a condition that paralyzed her stomach and intestines, a problem her lawyers said occurs in up to 10 percent of cases. The effect is she cannot eat any solid food without becoming extremely nauseated. Her initial hospitalization had to be extended from a week to 45 days because of this condition, her lawyers said. To this day, she can only survive by drinking smoothies or swallowing pureed foods.

“It’s like living with a stomach flu,” Kushel said. Collins continues to suffer bouts of nausea more than once a week.

Collins learned three months after the surgery that cutting the nerve to her stomach could have caused her condition. She started looking for a lawyer and found Turner on an Internet search. When she went to see him for the first time three years ago, she told him she chose him by looking at his photo on his firm website. “She said I looked like a nice person,” he recalled.

When it became clear the case was headed for trial, Turner brought in Kushel. Turner’s wife, Martha Turner, practices law with Moraitakis & Kushel.

Despite her health challenges, Collins has kept her job in customer service at Verizon, Turner said. She has had to because she is a single mother and grandmother who has extended family members living in her household.

After the trial, Turner said he told his client, “Jeannette, you have resources now.”

He said her response was, “I want to keep my job.”

The case is *Collins v. Nuriddin*, No. 2013CV01064C.