

# Tried a 2 Week Medical Malpractice Jury Trial

Amundsen Davis tried a 2 week medical malpractice jury trial where a child ingested an unknown caustic substance. The family brought the substance with them to the first ER who discharged the child after observation. On the second day, the child went to a second ER. The allegation was that the second ER should have obtained an ENT consult who would have done steroidal injections into the throat to stop scar tissue which blocked the esophagus. The child had his esophagus removed and replaced with part of his colon because the esophagus was restricted and solid foods could not get through. Our defense was that steroidal injections into the throat the day after the ingestion was not the standard of care and would not have made a difference even if an ENT would have been called in as a consultant. The jury deliberated for more than two days and the case settled during deliberation for much less than the plaintiff's pre-trial demand. The jury was interviewed and said they had voted to find our client not liable early in their deliberations but were stuck on whether the first ER was negligent.

## PROFESSIONALS

Patrick J. Lubenow  
Special Counsel

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