

AS PUBLISHED IN

The New York Jury Verdict Reporter

XVII/36-44 MEDICAL MALPRACTICE – PLACEMENT OF CHEST TUBE –
CHRONIC PAIN SYNDROME

SETTLEMENT: Pascale Brown v. Montefiore Medical Center 23913/96 Date of
Settlement 2/7/00 Bronx Supreme

Pltf. Atty: Jeff S. Korek of Gersowitz Libo & Korek, Manhattan

This action settled for \$1,000,000 during the third week of trial. Pltf., a 34-year-old administrator, claimed that she was injured on 5/22/94 by the insertion of a chest tube that was being used to treat pneumothorax. Pltf. contended that placement of the tube in the second intercostals space was inappropriate. She claimed that she suffered chronic pain syndrome and reflex sympathetic dystrophy as a result. She received pain management treatment, which, she would have claimed, did not alleviate her symptoms. She contended that she is in constant pain and suffers from chest spasms and tremors. Pltf. must use a cane to walk, and she contended that she is prevented from working and performing most of her usual daily activities. She collects Social Security disability benefits. Deft. argued that the manufacturer recommended the second intercostals space for insertion of the tube, and denied that Pltf.'s injuries were caused by the chest tube. Demonstrative evidence: enlarged anatomical diagrams; hospital records; exemplar chest tubes.

Pltf. Experts: Dr. Ronald Kaplan, anesthesiologist, Bronx; Dr. Norman Marcus, pain specialist, Manhattan; Dr. Mark Greenbaum, physiatrist, Bronx; Dr. Steven Horowitz, neurologist, White Plains; Dr. Fernando Camacho, internist, Bronx.

Deft. Experts: Dr. Ronald Kanner, neurologist, Bronx; Dr. Kenneth Steinglass, thoracic surgeon, Pomona.