

Baby Died Of Infection Following Chicken Pox

\$400,000 Recovery

The family of a 13-month-old boy brought a medical malpractice case against a family medical group and an emergency room physician after the baby died from Group A streptococcus sepsis.

The baby developed fever and bruising after three days of the chicken pox. The mother claimed she called the family practice group, but the child was not seen or referred. The following day she took the child to a nearby emergency room, but he was discharged after a few hours. He died the next morning.

The plaintiffs claimed the family practice group was negligent for failing to see or refer the child and that the emergency room doctor was negligent for discharging the baby with an incorrect diagnosis.

The defendant family practice group denied that the mother made the initial phone call. The defendant doctor claimed the child had no symptoms of infection at the emergency room and that his death was a sudden toxic event that could not have been diagnosed there.

The identities of the parties, defense attorneys and insurance carriers are confidential under the recovery agreement.

Type of Action: Medical malpractice

Type of Injuries: Death

Court/Case Number/Date: Jackson County Circuit Court/Confidential

Caption: Confidential

Judge, Jury or ADR: Mediation

Name of Judge: William Dirk Vandever, mediator

Verdict or Recovery: \$400,000 recovery

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorney for Plaintiff: Jeff Henry, The Law Offices of Tim Dollar, Kansas City

Insurance Carrier: Confidential

Plaintiff's Experts: Dr. Eugene Saltzberg, Highland Park, Ill. (emergency medicine); Dr. Stanford Shulman, Chicago, Ill. (pediatric infectious diseases)

Defendant's Experts: None identified at time of recovery