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Philadelphia Jury Awards \$3.38M for Toddler's Death

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Of the Legal Staff

Lawyers with Kline & Specter in Philadelphia said late May 31 they won a \$3.38 million award after a two-week medical malpractice trial before Philadelphia Court of Common Pleas Judge Michael Erdos.

The jury deliberated for three days before reaching a verdict in favor of the parents of 21-month-old Casey Lei of Dresher. The toddler died at Einstein Medical Center Elkins Park in September 2014. Her family's legal team said she died of a strangulated small intestine and alleged the hospital failed to diagnose and treat her condition or transfer her to another facility that could help her.

"This was a preventable tragedy that was caused by the medical negligence of the

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defendants," Dr. Barry Magen of Kline & Specter said in a news release May 31. "The jury clearly understood that and appropriately awarded significant compensation to the Lei family."

Magen is one of five medical doctors who are also lawyers at Kline & Specter. Magen tried the case with Michael Cavaliere of Kline & Specter.

When Casey became ill, her parents

took her to a doctor, who sent her home with a recommendation for fluids and anti-nausea medicine. But later that night she became unresponsive. Her parents called for an ambulance, which took her to the Einstein Elkins Park emergency department, where there was no pediatrician or capability to treat pediatric patients, according to the parents' lawyers. (Due to the Philadelphia courts' website being down May 31, court papers were not immediately available.)

At the hospital, Casey was given small amounts of fluids intravenously and kept

in the emergency room for two hours, during which time her heart rate became extremely elevated, as high as 193 at one point. But her blood pressure was not taken. Alarms went off frequently but a nurse merely shut them off, the parents alleged.

When Casey's blood pressure was finally taken, at 3:38 a.m., it was very low, just 60/32. Her skin became pale and cool to the touch, her nail beds were dusky and her lips turned blue. A code was called but attempts at resuscitation failed. She was pronounced dead at 4:44 a.m.

The Kline & Specter lawyers said their evidence showed a physician's assistant initially documented bilious vomiting—a red flag for a bowel obstruction and a sign for a surgical emergency in a child—but then later altered the records to remove that information.

Michael Sabo and Patrice O'Brien of Rawle & Henderson in Philadelphia represented the defendants. They could not be reached immediately for comment.

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