

Family of New Jersey woman who died after neck surgery to get \$4.2 million in settlement

By Christian Hetrick

The son of a Burlington County woman who died after neck surgery is set to receive \$4.2 million to settle a case involving a doctor who was allegedly out driving and making phone calls instead of remotely monitoring the operation.

Margaret Mary Niedzwiadek, 59, of Southampton, suffered a catastrophic brain injury because of an October 2013 surgery at AtlantiCare Regional Medical Center, according to a lawsuit filed by her son, David Niedzwiadek. She was in a coma until she died in December 2013.

The suit claimed that the doctor, Craig J. Anmuth, was driving to the office, talking on his cellphone, and reviewing other patients' medical records while he was supposed to be watching Margaret Niedzwiadek's neuromonitoring signals at Bacharach Institute for Rehabilitation in Galloway Township. Neuromonitoring is used to assess the functional integrity of the brain during surgery.

The medical malpractice suit, filed in New Jersey Superior Court in Atlantic County, also alleged that the neuromonitoring technician in the operating room, Robert Perro, failed to tell surgeons about her grave signal changes. The issue was likely due to the position of her neck cutting off blood flow, which could have been fixed if surgeons had been told, according to Kline & Specter, the Philadelphia law firm that represented Niedzwiadek's son.

Anmuth, a specialist in electrodiagnostic medicine who is medical director at Bacharach, was accused of giving false testimony and destroying evidence on his computer, according to court papers. And Perro's former employer, Neuromonitoring Technologies, allegedly tried to hide that Perro was fired for his handling of the Niedzwiadek surgery.

"While we wish this tragic incident did not occur, we are constantly striving for the best outcomes in all areas of medical treatment and rehabilitation offered here," the president and CEO of Bacharach Institute for Rehabilitation, Richard Kathrins, said in a statement. "We are sorry for the loss of Margaret Mary Niedzwiadek's life and send our sincerest condolences to her family."

Neuromonitoring Technologies, based in Glenwood, Md., did not return requests for comment. Anmuth and Perro could not be reached for comment.

The settlement includes \$2 million from Anmuth, \$1 million from Bacharach, \$1.1 million from Perro and Neuromonitoring Technologies, and \$100,000 from AtlantiCare Regional Medical Center, according to lawyer **Michael Trunk**, who represented Niedzwiadek's son. Bacharach and AtlantiCare are independent from one another, but are located on the same campus.

The settlement also requires Anmuth, who is married to Inquirer staff writer Amy S. Rosenberg, to cease all

neuromonitoring activity for at least one year, Trunk said.

"This was the most egregious case of malpractice I've seen in my nearly two decades of practicing law," Trunk said in a statement. "None of the health-care providers would tell this poor family what really happened to their mother, and I'm grateful that our more than five-year investigation and prosecution of this case uncovered the truth and provided closure to the family."

Anmuth had testified that he had been watching from the start of Niedzwiadek's surgery and that he must have lost his internet connection before the signal changes, according to court papers. But evidence showed that Anmuth had not logged in to the surgery until nearly 50 minutes after it began, and that he had sent and received seven phone calls, including one with a plumber, during the surgery, David Niedzwiadek said in court filings. In addition, Anmuth and Bacharach allegedly installed software on his laptop that destroyed evidence from the day of the surgery, according to the suit.

Neuromonitoring Technologies CEO Richard Mathabel allegedly lied about the reason he fired Perro after the surgery and withheld evidence showing he conducted his own investigation and found that Perro was grossly negligent in not reporting the drastic change in neuromonitoring signals to the physicians, the suit says.