

AS PUBLISHED IN

The New York Jury Verdict Reporter

XV/50-42 MEDICAL MALPRACTICE – FAILURE TO DIAGNOSE BACTERIAL
ENDOCARDITIS – WRONGFUL DEATH OF 36-YEAR-OLD MAN

SETTLEMENT: Martha Johnson, as Adm. Of the Est. of Gary Johnson v.
NYCHHC 44974/94

Date of Settlement : 3/16/98 Kings, Supreme

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

This action settled prior to opening statements for a structured settlement of **\$1,250,000**. Decedent, a **36-year-old unemployed chef**, presented to Kings County Hospital emergency room on 6/13/94 complaining of excruciating lower back pain. He received clinic and emergency room treatment and was released from the hospital. Decedent returned on two subsequent occasions, 6/16 and 6/20, with the same complaints and received the same treatment. On 6/25/94 decedent died of infective bacterial endocarditis. Pltf. claimed that Deft. failed to diagnose and treat the condition and failed to admit him to the hospital for proper treatment.

Deft. argued that decedent's treatment was proper and that the failure to admit him to the hospital was an error in judgment rather than a departure from accepted medical practice. **Decedent, age 36, is survived by two infant daughters.** Structured settlement details: Guaranteed payout for 30 years of **\$2,305,000** for daughter Cassidy with a projected payout of **\$4,280,000**; guaranteed payout of **\$1,112,000** for daughter Atiya with a projected payout of **\$1,920,000**.