

Patient dies after surgery to remove benign cyst in jaw

\$1.25 million settlement

On March 18, 2015, a 57-year-old man in good health underwent surgery to remove a benign cyst from his lower left jaw. Following the procedure, he developed respiratory complications, including increased mucous secretions in his airways that led to a partially collapsed left lung and persistent difficulty in breathing.

After six days in intensive care, the patient was moved to a surgical floor in the hospital. While under the care of the defendant nurse, the patient told the nurse he could not breathe and later collapsed and became unresponsive. Large mucous plugs were removed from his airways. However, he suffered lack of oxygen to his brain and was taken off life support a few days later.

Medical experts were prepared to testify that the defendant nurse failed to take necessary steps to treat the decedent's deteriorating respiratory condition, including treating mucous buildup in his airways and alerting a respiratory therapist or the attending physician of his respiratory difficulties.

The defendant asserted that the patient did not exhibit any signs of respiratory distress and that his oxygen saturation rate was normal when he stated he could not breathe.

The defendant's experts were prepared to testify that the decedent's death was unpredictable and unpreventable.

The decedent came from a close family and left behind a wife and two adult children. The case settled at mediation one month before trial.

Action: Medical malpractice

Injuries alleged: Wrongful death, pain and suffering, medical costs

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Amount: \$1.25 million

Date: August 2021

Attorneys: Jeffrey N. Catalano and Maria T. Davis, of Todd & Weld, Boston (for the plaintiff)



Todd & Weld LLP