



Pa. Superior court upholds verdict in malpractice case

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The Pennsylvania Superior Court on Friday upheld the verdict in a multi-million-dollar medical malpractice case from Luzerne County.

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A jury delivered a \$3.36 million verdict against Dr. Mallikarjun Udoshi and Wilkes-Barre General Hospital last year stemming from the care of Edwardsville resident Frederick Macosky. The hospital appealed, and Superior Court Judges Anne Lazarus, Mary Murray and Maria McLaughlin heard the case during a session at the Luzerne County Courthouse last month.

In an opinion issued Friday, the judges sided with the plaintiffs, finding the hospital's argument "ignores Macosky's theory of the case, as well as the supporting evidence, that (the hospital) failed to enforce its own procedures for the proper completion and reporting of EKG results."

According to the lawsuit filed by the Kingston law firm Selingo Guagliardo, Udoshi, as an agent of the hospital, failed to properly interpret the results of a stress echocardiogram in 2014. The complaint alleged Udoshi reported back to the primary care doctor that the test was normal.

When Macosky began experiencing shortness of breath and other symptoms almost two years later, doctors discovered he had "profound abnormalities" in his heart, the complaint alleged. A doctor at the Hospital of the University of Pennsylvania in Philadelphia then discovered the 2014 test had, in fact, produced abnormal results.

In March 2018, a jury delivered the \$3.36 million verdict, finding Udoshi 80% liable and the hospital liable for 20% of the damages. Attorneys previously reached a confidential settlement with the estate of Udoshi, who died of cancer at age 73 in May 2016. But the hospital was still on the hook for its share of the verdict — \$672,803 plus interest.

The hospital challenged the verdict on a number of grounds, including the plaintiffs presented no expert testimony in the case and therefore failed to reach the bar necessary to prove corporate negligence. In its ruling Friday, the Superior Court disagreed.

"(The hospital) overlooks the trial testimony, given by its own employee, that (the hospital) had procedures for ensuring that the appropriate physician timely completed an EKG report," the judges wrote. "(The hospital) and not a cardiologist, was responsible for sending an EKG report to the appropriate physician; and if these procedures were not followed, it was (the hospital's) responsibility to enforce them."

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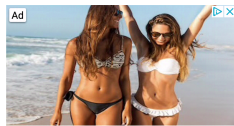


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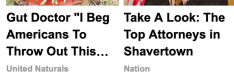



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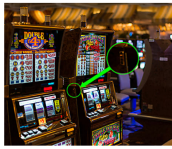


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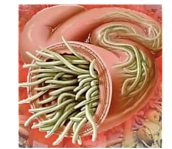
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