

2008 WL 4981240 (N.Y.Sup.)  
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Supreme Court, First Judicial District, New York County, New York.

Lawrence Gorman v. Nicholas A. Pace, M.D.

No. 118370/06

DATE OF VERDICT/SETTLEMENT: October 28, 2008

TOPIC: MEDICAL MALPRACTICE - FAILURE TO REFER - MEDICAL MALPRACTICE - FAILURE TO DIAGNOSE

Doctor Dismissed Symptoms of Heart Attack, Patient Alleged

SUMMARY:

RESULT: Verdict-Plaintiff

The jury found that Pace departed from accepted standards of medical care. It determined that Gorman's damages totaled \$1.2 million, all for his past pain and suffering.

EXPERT WITNESSES:

Plaintiff: Bruce Charash, M.D.; Cardiology; New York, NY

Defendant: Monty Bodenheimer, M.D.; Cardiology; New Hyde Park, NY

ATTORNEYS:

Plaintiff: Conrad Jordan; trial counsel for Burns & Harris; New York, NY (Lawrence Gorman, Lawrence Gorman);

Jean M. Prabhu; Burns & Harris; New York, NY (Lawrence Gorman)

Defendant: Jerry Giardina; Carlucci, Giardina & Farrell, L.L.P.; New York, NY (Nicholas A. Pace)

JUDGE: Joan B. Lobis

RANGE AMOUNT: \$1,000,000-1,999,999

STATE: New York

COUNTY: New York

INJURIES: Gorman suffered a myocardial infarction. The episode produced a rupture of his heart's intraventricular septum. The rupture necessitated surgery that included the application of Teflon patches. He also underwent the insertion a cardiac catheter and a stent. His hospitalization lasted two weeks, and he experienced a full recovery.

**Facts:**

On Aug. 10, 2006, plaintiff Lawrence Gorman, 60, an attorney, visited his primary physician, Dr. Nicholas Pace. Gorman reported that he had experienced pain that stemmed from his chest. He claimed that the pain emerged during the previous day. Pace performed an electrocardiography. He opined that Gorman did not exhibit any abnormalities of his vital signs, and he determined that Gorman was not exhibiting any symptoms of cardiac abnormalities. Pace ultimately concluded that Gorman was suffering costochondritis--inflammation of the cartilage of his chest's wall. Pace recommended rest, the application of heat and Gorman's use of anti-inflammatory medication.

On Aug. 14, 2006, Gorman suffered a myocardial infarction. The episode produced a rupture of his heart's intraventricular septum, which is the wall that separates the heart's lower chambers. Gorman underwent surgery, and he recovered. However, he claimed that his infarction could have been prevented, but that Pace failed to diagnose and address its underlying cause.

Gorman sued Pace. Gorman alleged that Pace failed to diagnose the cardiac abnormality that caused his infarction. Gorman further alleged that Pace's actions constituted medical malpractice.

Gorman's counsel claimed that Gorman's infarction was a product of unstable angina. They contended that Gorman's Aug. 10 symptoms suggested that Gorman was suffering angina, and they argued that Gorman should have been referred to a cardiologist.

Defense counsel reported that Gorman acknowledged that he had previously undergone about 15 years of cardiological care, that he had previously experienced pain that stemmed from his chest, and that Pace was not aware of his prior pain or cardiological care.

The defense's expert cardiologist opined that Gorman merely reported that he had suffered vague pain that was not indicative of cardiac abnormalities. The expert also opined that such symptoms did not necessitate a referral to a cardiologist, and he concluded that Pace appropriately addressed Gorman's symptoms.

Gorman's expert cardiologist opined that Gorman's infarction was a product of undiagnosed unstable angina. He contended that Pace failed to recognize the angina's symptoms, and claimed that a prompt diagnosis would have prevented the infarction.

Gorman sought recovery of damages for his past pain and suffering.

Insurer:

Medical Liability Mutual Insurance Co. for Pace

ALM Properties, Inc.

New York Supreme

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