

THE GREATEST COURTROOM DRAMA OF ALL TIME!



RICHARD THOMAS

TWELVE ANGRY MEN

A Play by REGINALD ROSE
Directed by SCOTT ELLIS

DIRECT FROM BROADWAY

Fisher Theatre
Oct. 30–Nov. 18

American Airlines
American Express

A ROUNDABOUTTHEATRECOMPANY PRODUCTION

From the October 15, 2007 Michigan Lawyers Weekly.

Order a **REPRINT**
of this Story

Verdicts & Settlements

ADVERTISEMENT

'No cause' verdict rendered for med-mal claim

Delayed diagnosis did not complicate injuries

Plaintiff John B. McDonald injured his knee and lower leg when he hit a tree and was thrown over the handlebars of his dirt bike. He proceeded to the emergency room at Reed City Hospital, where Dr. Kenneth Westrate evaluated him and ordered X-rays.

The X-ray showed no evidence of fracture, and McDonald had positive peripheral pulses. Moreover, though his knee was painful and slightly swollen, his lower leg showed no signs of swelling or any changes in temperature or color.

Accordingly, Westrate discharged him with a knee brace and orders to follow up with an orthopedic surgeon the next morning.

The following afternoon, McDonald presented to a physician assistant with a severely swollen, discolored and cool lower leg. When peripheral pulses could not be palpated, McDonald underwent a popliteal artery repair and a four-compartment fasciotomy to restore circulation.

Later, he had several surgeries to repair multiple knee ligaments, debridements for infection and skin grafts.

Though McDonald continued to complain of an unstable, painful knee, at trial, the jury found his injuries were caused by the accident and that Westrate and Reed City Hospital had acted appropriated, defense counsel Dolores A. Sears-Ewald recalled.

What's more, she suggested, the jury appeared to find the defense's expert witnesses more credible than those put on by McDonald.

For Sears-Edwald, the key to winning came with "proving that the plaintiff's injuries were the result of his motorcycle accident and not a failure/delay in diagnosing the vascular injuries."

Type of action: Medical Malpractice

Type of injuries: Serious injury from an alleged failure to diagnose and treat knee injuries

Name of case: McDonald v. Reed City Hospital, et al.

Court/Case no./Date: Osceola County Circuit Court; 02-9477-NH; April 27, 2007

Tried before: Jury

Name of judge: Scott Hill-Kennedy

Demand: Policy

Highest offer: None

Verdict amount: No Cause

Most helpful experts: Dr. Walter M. Whitehouse, Ann Arbor; Dr. Neal Little, Ann Arbor; Dr. W.M. Braunohler, Grand Rapids; Dr. Robert A. Hoogstra, Muskegon

Insurance carrier: ProAssurance

Attorney for plaintiff: Withheld

Attorney for defendant: Dolores A. **Sears-Ewald**

© 2007 Lawyers Weekly Inc., All Rights Reserved.

Order a **REPRINT**
of this Story



LawyersUSA **FREE Trial Subscription!**
6 Weeks FREE
Print & Online! **LawyersUSA**
Special Student Offer!

[User Agreement For Subscriber-Only Online Benefits](#) | [Help](#) | [Our Privacy Policy](#)
Send any questions or comments to comments@lawyersweekly.com

Subscriber Services: 1-800-451-9998 **Technical Support:** 1-800-444-5297 ext. 8156

© Copyright 2007 Lawyers Weekly, Inc. All Rights Reserved



Lawyers Weekly does not use spyware; however, we link to a number of other sites and do not take responsibility for any spyware they may use.

This site is best viewed with Internet Explorer 6 ([click here to download](#)) or Netscape 7 or higher ([click here to download](#))

69.129.48.243/5.93