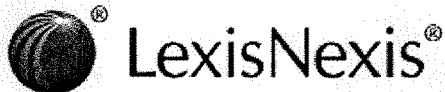


EXHIBIT C



1 of 1 DOCUMENT

 VERDICTSEARCH

www.verdictsearch.com/index.jsp

Copyright 2011 ALM Media Properties, LLC.
All Rights Reserved
Further duplication without permission is prohibited
VerdictSearch
Pennsylvania Reporter Vol. 7

Stacey Busch-Fish and Jason Fish v. Armstrong County Memorial Hospital, Syed N. Husaini, Ruth D. Martin, Makum L. Ramesh, Samir J. Shah, University of Pittsburgh Physicians and Western Pennsylvania Hospital

Case No. GD-06-026250

2010 Jury Verdicts LEXIS 33346

HEADLINE: Plaintiff: Thyroid Condition Was Undiagnosed for Two Years

TOPIC: Medical Malpractice - Failure to Test - Medical Malpractice - General Practice - Medical Malpractice - Cardiac Care - Medical Malpractice - Failure to Diagnose

INJURY: Graves' Disease

DATE: May 21, 2010

PUBLICATION DATE: September 27, 2010

AWARD: \$ 551,500

STATE: Pennsylvania

COURT: Allegheny County Court of Common Pleas

JUDGE: Eugene B. Strassburger, III

CASE SUMMARY: On Aug. 10, 2006, plaintiff Stacey Busch-Fish, a 42-year housekeeper, was diagnosed with Graves' Disease, a thyroid condition, at The Cleveland Clinic in Ohio. Busch-Fish claimed that for the previous two years, she had been complaining of symptoms indicative of heart failure or thyroid disease to her treating physician and numerous cardiologists, but that these doctors did not conduct the relevant blood test to determine her thyroid condition. The complaints continued through July 2006, when Busch-Fish presented to the emergency room of Armstrong County Memorial Hospital, in Kittanning, and blood work revealed abnormal thyroid results, but Busch-Fish was not informed of this and so she visited The Cleveland Clinic the next month.

Busch-Fish sued her family physician, Ruth D. Martin; cardiologists Makum L. Ramesh, Samir J. Shah and Syed N. Husaini; Ramesh's physician group, University of Pittsburgh Physicians; Husaini's physician's group, Western Pennsylvania Hospital; and the hospital Armstrong County Memorial Hospital, alleging medical malpractice.

Plaintiff's counsel claimed that she did not receive proper care from her family physician, as Busch-Fish visited Martin's office several times from September 2004 through August 2006, complaining of itching, shortness of breath, dry eyes, heart failure, sweating and other symptoms and Martin failed to test Busch-Fish's blood to determine if she had a thyroid disease. Instead, counsel asserted that Martin only diagnosed Busch-Fish with bronchitis or referred Martin to Ramesh, Shah or Husani.

Counsel for Busch-Fish also alleged the three cardiologists were liable for negligence because none of them ordered a thyroid blood test, which the standard of care required when working up a patient diagnosed with heart failure. Counsel said the blood test would have indicated that Busch-Fish had Grave's disease. Counsel also alleged that when Shah treated Busch-Fish he performed a cardiac catheterization without clearing the thyroid with a thyroid blood test. Counsel asserted that because Busch-Fish was hyperthyroid, the iodine dye used in the catheterization worsened her condition.

Busch-Fish's claim against Armstrong County Memorial was based on the fact that Busch-Fish had presented to that hospital's emergency room on July 4, 2006, where a blood test was performed and the result of the blood test indicated that Busch-Fish had thyroid disease. Counsel asserted that the failure of Armstrong County Memorial's staff to properly diagnose Busch-Fish with thyroid disease amounted to a failure to meet the standard of care.

Counsel for Martin argued that Martin was not required to conduct the blood tests because Martin was relying on the cardiologists to rule out thyroid disease. Counsel added that since Busch-Fish demonstrated no clinical signs of thyroid disease, Martin was not required to perform a thyroid screening.

Counsel for the cardiologists maintained the standard of care did not require the cardiologists to order thyroid blood tests to determine whether their patients had thyroid diseases, as there were no clinical symptoms of hyperthyroidism.

Lastly, counsel for Armstrong County Memorial maintained the hospital treated Busch-Fish for the symptoms she presented and it was not within the hospital's purview to diagnose the cause of those symptoms or to otherwise act on the results from the blood test.

All defendants disputed that Busch-Fish had suffered from Graves' Disease for the entire period from 2004 through 2006. Further, the defendants all contested that Graves' Disease had caused Busch-Fish's cardiomyopathy, since the malady was likely viral in nature.

Injury Text:

Plaintiff's counsel asserted that Busch-Fish's Graves' Disease went undetected for two years, during which Busch-Fish developed irreversible heart damage to the point of cardiogenic shock. Counsel argued that the scarring and anatomical changes to the plaintiff's heart could have been treated and even avoided if the Graves' Disease had been diagnosed in 2006 instead of in 2008.

Plaintiff's counsel sought over \$1 million in future wage losses damages as Busch-Fish would never be able to work again. Counsel also sought to recover \$109,000 in past medical damages along with \$5,000 annually for future medical damages as Busch-Fish would have to see a cardiologist twice a year and undergo annual echocardiograms. Counsel also noted that Busch-Fish could require an additional \$100,000 for a major medical intervention in the future. Further, counsel sought unspecified past and future pain and suffering damages. Counsel also sought loss of consortium damages for Busch-Fish's spouse.

Counsel for the defendants maintained that Busch-Fish would have developed Graves' Disease even if the blood test had been performed in a timelier manner. Counsel also argued there was no record that indicated Busch-Fish had suffered cardiogenic shock.

As to the question of lost earning capacity, counsel asserted that Busch-Fish was still capable of working in some capacity even if she was unable to work as a housekeeper any longer.

The defendants also maintained that the future medical damages presented by plaintiff's counsel were excessive.

Trial Length

3.0 weeks

Jury Deliberation

5.0 hours

PLAINTIFF NAME
Stacey Busch-Fish

PROPERTY AWARD
\$ 551,500

Plaintiff Amounts:

(Stacey Busch-Fish)
\$109,000 Personal Injury: Past Medical Cost
\$67,500 Personal Injury: Future Medical Cost
\$10,000 Personal Injury: Past Lost Earnings Capability
\$145,000 Personal Injury: FutureLostEarningsCapability
\$80,000 Personal Injury: Past Pain And Suffering
\$140,000 Personal Injury: Future Pain And Suffering

AWARD DETAILS:

The jury found Ruth Martin was fully liable for Busch-Fish's injuries and awarded Busch-Fish \$551,500. All other defendants were exonerated of liability and no loss of consortium damages were awarded.

COUNSEL: Plaintiff Attorneys:

Mark J. Homyak
FIRM NAME- Homyak Law Firm
ADDRESS- Pittsburgh,PA
PLAINTIFF NAME- (Stacey Busch-Fish)

Eve W. Semins
FIRM NAME- Homyak Law Firm
ADDRESS- Pittsburgh,PA
PLAINTIFF NAME- (Stacey Busch-Fish)

Defendant Attorneys:

James A. Wood
FIRM NAME- Israel, Wood, Puntill & Grimm
ADDRESS- Pittsburgh,PA
DEFENDANT NAME- (Makum Ramesh, University of Pittsburgh Physicians)

Kristin L. Pieseski
FIRM NAME- Davies, McFarland & Carroll, P.C.
ADDRESS- Pittsburgh,PA
DEFENDANT NAME- (Ruth D. Martin)

Charles P. Falk
FIRM NAME- Solomon & Associates
ADDRESS- Pittsburgh,PA
DEFENDANT NAME- (Armstrong County Memorial Hospital)

James R. Hartline
FIRM NAME- Thompson, rhodes & Cowie, P.C.
ADDRESS- Pittsburgh,PA
DEFENDANT NAME- (Samir Shah, Samir Shah)

James W. Kraus
FIRM NAME- Pietragallo Gordon Alfano Bosick & Raspanti, LLP
ADDRESS- Pittsburgh,PA
DEFENDANT NAME- (Syed Husaini, Western Pennsylvania Hospital)

EXPERTS: Plaintiff Experts:

Christopher Haines, M.D.
ADDRESS- Philadelphia,PA
SPECIALTY- General Practice
HIRING COUNSEL- Eve Semins, Mark Homyak

Ira Mehlman, M.D.
ADDRESS- New York,NY
SPECIALTY- Emergency Medicine
HIRING COUNSEL- Eve Semins, Mark Homyak

Michael Siegel, M.D.
ADDRESS- Brooklyn,NY
SPECIALTY- Radiology
HIRING COUNSEL- Eve Semins, Mark Homyak

Defendant Experts:

Christopher Bonnett, M.D.
ADDRESS- Pittsburgh,PA
SPECIALTY- Cardiology
HIRING COUNSEL- James Hartline, James Kraus, James Wood

David Silber, M.D.
ADDRESS- Hershey,PA
SPECIALTY- Cardiology
HIRING COUNSEL- James Kraus

Fred Harchelroad, M.D.
ADDRESS- Pittsburgh,PA
SPECIALTY- Toxicology
HIRING COUNSEL- Charles Falk

Jerome E. Granato, M.D., F.A.C.C.
ADDRESS- Pittsburgh,PA
SPECIALTY- Echocardiography
HIRING COUNSEL- James Hartline, James Kraus, James Wood

Martin I. Surks, M.D.
ADDRESS- Bronx,NY
SPECIALTY- Endocrinology
HIRING COUNSEL- Kristin Pieseski

Paul Ladenson, M.D.
ADDRESS- Baltimore,MD
SPECIALTY- Endocrinology
HIRING COUNSEL- Eve Semins, James Wood

Theodor Herwig, M.D.
ADDRESS- Columbus,OH
SPECIALTY- Family Medicine
HIRING COUNSEL- Kristin Pieseski

Thomas Traill, M.D.
ADDRESS- Baltimore,PA

SPECIALTY- Cardiology

HIRING COUNSEL- James Hartline, James Kraus, James Wood



FOCUS - 11 of 31 DOCUMENTS

 V E R D I C T S E A R C H

www.verdictsearch.com/index.jsp

Copyright 2011 ALM Media Properties, LLC.
All Rights Reserved

Further duplication without permission is prohibited
VerdictSearch
Weekly

Barbara Glasow v. Joseph M. Skutches and St. Luke's Physician Group

Case No. 2006-C-2210V

2008 Jury Verdicts LEXIS 34405

HEADLINE: Doctor Was Liable for Failing to Treat Cancerous Cyst: Plaintiff

TOPIC: Medical Malpractice - Failure to Test - Medical Malpractice - Cancer Diagnosis

INJURY: Cancer, Breast

DATE: January 18, 2008

PUBLICATION DATE: September 27, 2008

AWARD: \$ 3,973,000

STATE: Pennsylvania

COURT: Lehigh County Court of Common Pleas

JUDGE: Carol K. McGinley

CASE SUMMARY: On Feb. 19, 2005, plaintiff Barbara Glasow, a 51-year-old pediatric physical therapist, visited her OB/GYN physician, Joseph M. Skutches, in response to a cyst on her breast. Skutches evaluated the lump, felt it wasn't cancerous, and discharged Glasow with a written prescription for an ultrasound. Months later, in January 2006, the cyst on Glasow's breast burst open with blood. The cyst was subsequently tested and Glasow was diagnosed with Stage IV terminal cancer.

Claiming negligence, Glasow sued Skutches and his medical group, St. Luke's Physician Group, Allentown, in order to recover personal injury damages. St. Luke's Physician Group was dismissed from the matter when it was determined that it would be responsible for any judgment against Skutches.

Plaintiff's counsel alleged Skutches was negligent because he failed to order a biopsy despite the presence of a lump on Glasow's breast. Counsel asserted that the standard of care required Skutches to rule out cancer by performing a biopsy.

Counsel for the defendant maintained that Skutches met the standard of care while treating Glasow because he told Glasow that if she was concerned about the lump she could consult with another doctor, who could have the cyst lanced. Counsel also noted that Glasow refused to get a mammogram when she consulted with Skutches because she felt it was too painful. Finally, counsel argued that Glasow was liable for negligence because she failed to follow through the prescription for an ultrasound.

Plaintiff's counsel countered that Skutches specifically told Glasow that the cyst was not cancerous.

Injury Text:

Plaintiff's counsel asserted that Glasow lived with the cancerous cyst for 11 months after visiting Dr. Skutches, and that her chances of survival were thus decreased from about 80 percent to zero. Counsel sought to recover \$170,000 per year for three-to-seven years for Glasow's future medical expenses. Plaintiff's counsel also sought to recover about \$1 million in future wage losses and \$211,000 in past wage losses, because Glasow had to close her business which had become fairly lucrative. In addition, plaintiff's counsel sought to recover unspecified damages for Glasow's future pain and suffering, contending that she was facing a difficult period trying to battle the terminal cancer she had developed.

Counsel for the defendant argued that Glasow would never have had an 80 percent chance of survival, even if Skutches had diagnosed her cancer in February 2005. In fact, counsel asserted that Glasow already had terminal cancer when Skutches consulted with her at that time. Based on that assertion, defense counsel argued that Glasow wasn't entitled to recover any damages from the defendant.

Trial Length

5.0 days

Jury Deliberation

3.5 hours

Post Trial Status

The defendant's motion for a JNOV was granted on the grounds that plaintiff's OB/GYN expert didn't testify to a requisite degree of medical certainty. Plaintiff's counsel subsequently appealed to the appellate division, arguing there was no basis for a JNOV.

PLAINTIFF NAME

Barbara Glasow

PROPERTY AWARD

\$ 3,973,000

Insurer:

St. Luke's Health Network Insurance for both defendants

Plaintiff Amounts:

(Barbara Glasow)

\$850,000 Personal Injury: Future Medical Cost

\$211,000 Personal Injury: Past Lost Earnings Capability

\$912,000 Personal Injury: Future Lost Earnings Capability

\$2,000,000 Personal Injury: Future Pain And Suffering

AWARD DETAILS:

The jury found Skutches was 65 percent liable for Glasow's damages and awarded Glasow \$3,973,000. The result netted Glasow an actual recovery of \$2,582,450, after comparative liability was applied.

COUNSEL: Plaintiff Attorneys:

Steven Margolis

FIRM NAME- Cohen & Feeley PC

ADDRESS- Bethlehem, PA

PLAINTIFF NAME- (Barbara Glasow)

Jonathan Acklen
FIRM NAME- Cohen & Feeley PC
ADDRESS- Bethlehem,PA
PLAINTIFF NAME- (Barbara Glasow)

Defendant Attorneys:
Paul F. Laughlin
FIRM NAME- Marshall, Dennehey, Warner, Coleman & Goggin
ADDRESS- Bethlehem,PA
DEFENDANT NAME- (Joseph M. Skutches, St. Luke's Physician Group)

EXPERTS: Plaintiff Experts:
Alan Pinshaw, M.D.
ADDRESS- Burlington,MA
SPECIALTY- OB-GYN -- See also Gynecology
HIRING COUNSEL- Jonathan Acklen, Steven Margolis

Andrew Verzilli, Jr.
ADDRESS- Lansdale,PA
SPECIALTY- Economics
HIRING COUNSEL- Jonathan Acklen, Steven Margolis

Gerald H. Sokol, M.D.
ADDRESS- Hudson,FL
SPECIALTY- Oncology
HIRING COUNSEL- Jonathan Acklen, Steven Margolis

Valerie V. Parisi, R.N.
ADDRESS- Doylestown,PA
SPECIALTY- Life Care Planning
HIRING COUNSEL- Jonathan Acklen, Steven Margolis

Defendant Experts:
Daniel A. Small, M.D.
ADDRESS- Princeton,NJ
SPECIALTY- OB-GYN -- See also Gynecology
HIRING COUNSEL- Paul Laughlin

David T. Harris, M.D.
ADDRESS- Wynnewood,PA
SPECIALTY- Oncology
HIRING COUNSEL- Paul Laughlin

Mark A. Gittleman, M.D.
ADDRESS- Allentown,PA
SPECIALTY- Breast Surgery
HIRING COUNSEL- Paul Laughlin



FOCUS - 21 of 31 DOCUMENTS

VERDICTSEARCH

www.verdictsearch.com/index.jsp

Copyright 2011 ALM Media Properties, LLC.
All Rights Reserved
Further duplication without permission is prohibited
VerdictSearch
Pennsylvania Vol. 3

Glenn B. McQueen and Norma L. McQueen v. Ponnampalam Sabanayagam, M.D. and P. Sabanayagam, M.D., P.C.

Case No. 03-04797

2005 Jury Verdicts LEXIS 45357

HEADLINE: Gangrene Blamed on Failure to Test for Vascular Disease

TOPIC: Medical Malpractice - Medical Malpractice - Failure to Monitor - Medical Malpractice - Failure to Treat - Medical Malpractice - Failure to Test

INJURY: Gangrene, Amputation, Below-the-knee

DATE: December 01, 2005

PUBLICATION DATE: January 07, 2006

AWARD: \$ 1,800,000

STATE: Pennsylvania

COURT: Chester County Court of Common Pleas

JUDGE: Thomas Gavin

CASE SUMMARY: Between February 1995 and October 1999, plaintiff Glenn McQueen, 50s, a pool mechanic, underwent vascular surgical procedures, including aortobifemoral bypass and popliteal embolectomy, performed by Dr. Ponnampalam Sabanayagam.

In the year following an October 1999 surgery, which involved a left femoral-popliteal bypass on his leg, McQueen claimed that he experienced serious bouts of pain in his left leg.

McQueen claimed that, despite his complaints to Sabanayagam and other physicians, Sabanayagam did not order any tests of McQueen's vascular system to determine if his symptoms were being caused by problems with his blood vessels or were possibly related to his previous surgeries.

When an arteriogram was ordered by Sabanayagam in October 2000, McQueen claimed, the test results indicated chronic, and increasingly worsening, vascular disease.

McQueen was operated on by Sabanayagam twice on the same day in late October 2000, and he alleged the doctor's vascular surgeries fell below the standard of care: his leg became gangrenous several days later, and he had to undergo amputation.

McQueen commenced a medical malpractice suit against Sabanayagam and the corporation through which he practiced. He alleged his vascular disease had worsened due to Sabanayagam's failure to properly monitor his condition prior to 2000, arguing that serial monitoring of a patient who had already undergone revascularization procedures as a result of peripheral vascular disease to ensure the situation was not worsening was required.

McQueen further contended that during the first Oct. 23 operation, Sabanayagam failed to perform intra-operative angiography in order to document the inflow or outflow in the left lower extremity post-thrombectomy and following the procedure did not document posterior tibial and/or dorsalis pedis pulses. In the second operation, the plaintiff contended that Sabanayagam failed to document adequate perfusion of the foot by performing an angiography. Plaintiff's expert vascular surgeon, Stephen Lalka, opined that given that McQueen's angiogram of Oct. 20 showed reconstitution of the left popliteal artery with a patent tibioperoneal trunk and posterior tibial and peroneal artery run-off, Sabanayagam should have attempted thrombectomy or revascularization of the arteries below the knee to salvage McQueen's foot.

The defense countered that Sabanayagam applied the appropriate standard of care, citing expert vascular surgeon Robert Jubelirer's report stating that McQueen's worsening vascular condition was attributable to his genetics, high cholesterol and smoking habit, the latter two of which McQueen never got under control, despite being advised by his doctors to do so.

Injury Text:

McQueen's left leg became gangrenous and he had to undergo above-the-knee amputation. McQueen claimed that the amputation has left him with severe pain, resulting in a narcotic addiction.

McQueen's life care expert, Betsy Bates, opined that he would need regular care from his primary physician to monitor skin problems and pain, physical and occupational therapy, counselling and a regularly maintained prosthesis. She projected future lifetime costs as follows: \$5,250 for medical care; \$50,500 for support services with his wife's supervision (\$324,250 without); \$15,000 for therapies; \$49,125 for medical equipment; \$337,500 for medications; \$12,500 for accessible housing; \$32,390 for psychological counseling; \$608,000 for prosthesis. The total ranged from \$1,110,265 to \$1,384,015.

McQueen sought past lost earnings of \$103,476 and past lost fringe benefits of \$21,690. He also sought future lost earnings ranging from \$203,320 to \$406,640; and future lost fringe benefits ranging from \$44,000 to \$88,000, assuming a 0% allowance for productivity increase.

McQueen also sought an unspecified amount of damages for pain and suffering.

His wife, Norma, sought damages for loss of consortium.

Trial Length

4.0 days

Jury Deliberation

4.0 hours

Jury Poll

10-2

Post Trial Status

Counsel for the defense will file post-trial motions seeking a new trial. Plaintiffs' counsel said his clients plan to file for about \$228,000 in delay damages.

PLAINTIFF NAME

PROPERTY AWARD

PLAINTIFF NAME
Glenn McQueen

PROPERTY AWARD
\$ 1,700,000

PLAINTIFF NAME
Norma McQueen

PROPERTY AWARD
\$ 100,000

Insurer:

PHICO, Pennsylvania Property and Casualty Insurance Guaranty Association, MCARE/CAT Fund.

Plaintiff Amounts:

(Glenn McQueen)
\$1,700,000 Personal Injury:

(Norma McQueen)
\$100,000 Personal Injury: loss of consortium

AWARD DETAILS:

The jury rendered a plaintiffs' verdict. It awarded \$1.8 million to the McQueens. McQueen and \$100,000 to his wife.

Plaintiffs' counsel Jim Colleran Jr. said that because Sabanayagam was insured by PHICO, which is now in liquidation, his client may be able to recover only \$1.2 million of the full award from the Pennsylvania Property and Casualty Insurance Guaranty Association and the MCARE/CAT Fund.

Counsel for the defense commented that the jury appeared to be deeply divided on the issue. "The jury requested several times for the judge to reread the jury charge concerning factual cause," attorney Robert Dillon noted. "We do plan an appeal as there were several times the plaintiff expert testified to opinions not contained in his expert report. We also objected to the court's comments to the jury in reference to his charge to them on the issue of factual cause in that the court referenced a synopsis of the facts of this case and how it applied to the law on factual cause."

Dillon further commented, "McQueen had very severe vascular disease at the age of 50. Saba performed a successful surgery to bypass non functioning arteries in 1995. The disease continued to progress requiring a second procedure in 1999. Unfortunately, he was unable to reestablish blood flow to the left leg in 2000. This was a product of the man's disease, not any alleged negligent care by Saba."

COUNSEL: Plaintiff Attorneys:

James E. Colleran
FIRM NAME- The Colleran Firm
ADDRESS- Philadelphia,PA
PLAINTIFF NAME- (Glenn McQueen, Norma McQueen)

Defendant Attorneys:

Robert E. Dillon
FIRM NAME- Naulty, Scaricamazza & McDevitt
ADDRESS- Philadelphia,PA
DEFENDANT NAME- (Ponnampalam Sabanayagam)

EXPERTS: Plaintiff Experts:

Betsy Bates, BSN, CRRN,CCM
ADDRESS- Elkton,MD
SPECIALTY- Life Care Planning
HIRING COUNSEL- James Colleran

David L. Hopkins
ADDRESS- King of Prussia,PA

SPECIALTY- Actuary
HIRING COUNSEL- James Colleran

Stephen G. Lalka, M.D.
ADDRESS- Indianapolis, IN
SPECIALTY- Vascular Surgery
HIRING COUNSEL- James Colleran

Defendant Experts:
Robert Jubelirer, M.D.
ADDRESS- Avington, PA
SPECIALTY- Vascular Surgery
HIRING COUNSEL- Robert Dillon