Verdicts & Settlements

RESULT DATE: Jun. 30, 2026

J.R. an incapacitated adult v. Doe Hospital, Roe Physicians ()

Riverside County Superior Court

26-JV_147504

TOPIC: Medical

SUB TOPIC: Malpractice

FURTHER DESCRIPTION: Negligence

Settlement: $9,000,000

ATTORNEYS:
Plaintiff:
Bruce G. Fagel (Law Office of Bruce Fagel)

FACTS: On Sept. 12, 2023, plaintiff, age 61, underwent anterior/posterior cervical spine decompression and fusion at C4-7 surgery by defendant orthopedic spine surgeon. After successful surgery, the patient went to the PACU and then to the Med-Surg unit at defendant hospital. After the family left the patient's bedside at 9:30 p.m., per hospital policy, plaintiff began complaining about shortness of breath and a choking feeling.

At 10:03 p.m., the bedside nurse charted these symptoms, and at 10:48 p.m., she called defendant medical hospitalist, who was in the ER, and told him about these symptoms. He told her to call the surgeon, but he did not come to see or examine the patient.

At 10:53 p.m., the nurse called the physician assistant who was on call for the surgeon and told him about the patient having shortness of breath, choking, and a feeling of tightness and swelling in his neck.

At deposition, the PA denied having received this call or being told about such symptoms.

At 11:29 p.m., the nurse called the PA again and told him again about the patient's symptoms, including that the charge nurse confirmed that there was swelling of the neck. The PA acknowledged this call at deposition but denied that he was told about shortness of breath. He gave orders for throat lozenges and a stat CT scan of the neck, which was entered into the chart at 12:05 a.m. but was not performed at that time.

At 12:14 a.m., vital signs were obtained and recorded as normal. At 12:27 a.m., the nurse returned to plaintiff's room and found him turning blue, and she hit the Code Blue button in his room. The Code Blue team, including an ICU physician, responded and attempted to place an ET tube but was unable to do so due to swelling in the neck. He was able to place a nasotracheal tube at 12:39 a.m., and plaintiff was transferred to the ICU.

On Sept. 15, 2023, the surgeon's partner and the PA performed an evacuation of an anterior cervical hematoma, but plaintiff remained unresponsive in the ICU until Nov. 9, 2023, when he was discharged to his home with 24-hour LVN care paid for by Medi-Cal.

Plaintiff contended that the patient demonstrated classic symptoms of anterior cervical hematoma, which is a recognized complication of anterior cervical surgery, and that the symptoms provided sufficient time for treatment to prevent respiratory/cardiac arrest.

INJURIES: Persistent vegitative state requiring 24 hour home care, life expectancy 10 years per plaintiff, 4-6 years per defendant.

DAMAGES: $798,366 MediCal lien as of Jan 15, 2026.

RESULT: All parties attended a mediation on Apr 16, 2026, with Jay Horton, Esq. Defendant hospitalist paid his $1 million

policy limit in response to a CCP 998 demand, Defendant surgeon/PA paid $3 million policy limit in response to a CCP 998 demand. Defendant Hospital paid $5 million, for a total settlement of $9.0 million.