

# Missouri Lawyers

www.molawyersweekly.com

## WEEKLY

### DEFENSE VERDICT

# Doctors win suit over bowel treatment

#### MEDICAL MALPRACTICE

- **Venue:** Dunklin County Circuit Court
- **Case Number/Date:** 13DU-CC00167/May 7, 2015
- **Judge:** Robert Mayer
- **Plaintiff's Experts:** Dr. Andrew Bierhals, St. Louis, (diagnostic radiology); Dr. Michael Hellinger, Miami, Florida (colon and rectal surgery); Dr. Paul Genecin, New Haven, Connecticut (internal medicine)
- **Defendants' Experts:** Dr. Jonathan Berlin, Evanston, Illinois (diagnostic radiology); Dr. Eric Lederman, Creve Coeur (colon and rectal surgery); Dr. John Daniels, St. Louis (internal medicine); Dr. Greg Moran, Los Angeles (internal medicine)
- **Last Pretrial Demand:** \$500,000
- **Last Pretrial Offer:** \$50,000 (from Dr. Seelig and Cape Radiology Group, no offer from the other defendant)
- **Insurer:** MPM-PPIA (for Seelig and Cape Radiology Group); HSG (for Riffle and Internal Medicine Associates)
- **Caption:** Rhonda Webb v. Robert Seelig MD, Cape Radiology Group PC; Matthew Riffle MD, and Internal Medicine Associates of Southeast Missouri LLC d/b/a Physicians Park Primary Care
- **Plaintiff's Attorneys:** Glenn Gulick and Brian Johnston, Johnson, Vorhees & Martucci, Joplin
- **Defendants' Attorneys:** Ryan J. Gavin and Mandy J. Kamykowski, Kamykowski, Gavin & Smith, St. Louis (for Seelig and Cape Radiology Group); James Cochrane, Bradshaw, Steele, Cochrane & Berens, Cape Girardeau (for Riffle and Internal Medicine Associates)

#### BY DAVID BAUGHER

##### *Special to Missouri Lawyers Media*

A Dunklin County jury ruled that medical personnel were not negligent in the treatment of a woman whose ailments eventually worsened enough to require a colon resection.

"The dispute in the case was whether or not he should have specifically made that call that there was air outside the bowel and whether or not that would have



Ryan J. Gavin



Mandy J. Kamykowski

changed her outcome," said Ryan Gavin, who represented radiologist Dr. Robert Seelig. "We largely defended the case on the fact that he got the diagnosis right even though he didn't make that specific call about the air. Even if he had called it, it wasn't going to change her outcome in this case."

Plaintiff Rhonda Webb also sued her primary care physician, Dr. Matthew Riffle for malpractice in the matter.

Gavin said that although the doctors had different counsel, both had similar interests in the case.

"There was no fingerpointing between the two defendants," he said.

The jury came back with a defense verdict for both.

Gavin said the evidence centered largely on Webb's being diagnosed with uncomplicated diverticulitis and the presence of air outside the colon. The air was not mentioned by Seelig when he interpreted the CT scans but Gavin said that air didn't indicate a complication.

"The nature of that condition is that there is a perforation of the bowel, even if a very small one, so air outside the bowel does not automatically mean you have a complicated case," he said. "You look for other things to determine if it is compli-

cated such as larger pockets of air that have floated to the top of the belly or other signs of more severe complications."

Gavin said air was initially present in the tissues adjacent to the colon but not in a place that would be considered dangerous. She was treated with rest, antibiotics and pain medication.

But later, she reappeared at a Cape Girardeau emergency room with serious abdominal pain and distention as well as signs of infection. By that point, the condition had become complicated and required intervention, Gavin said.

"There was no dispute over that," he said. "She had a very severe problem by the time she did have the surgery to repair the bowel."

According to the plaintiff's petition, Webb also suffered a mild heart attack due to the stress on her body while under the care of Riffle, who allegedly misdiagnosed her perforated sigmoid due in part to Seelig's failure to indicate air in the tissues.

However, Gavin said the initial diagnosis and prescribed remedy by the doctors was the normal course of treatment based on the information at the time. He also said her outcome would not have been substantially different if the presence of air had been initially reported.

"It was diagnosed properly. It was treated properly. It didn't need surgery initially," he said. "Most people respond to the conservative treatment. She didn't."

Glenn Gulick and Brian Johnston of Johnson, Vorhees & Martucci represented the plaintiff, and James Cochrane of Bradshaw, Steele, Cochrane & Berens represented Riffle. None returned calls requesting comment. MO