

## Press Release

A jury in the United States District Court for the Middle District of Pennsylvania, sitting in Williamsport, Pennsylvania, returned a verdict on Friday, September 24, 1999, in the medical liability case of Ellen Thurston v. Robert Quigley, M.D., Guthrie Clinic, Ltd., Christopher Wohltmann, M.D., and Robert Packer Hospital, for \$16.8 million. The verdict also apportioned liability among Defendants, 55% to Dr. Quigley and his employer, Guthrie Clinic, Ltd., 30% to Dr. Wohltmann and his employer, Robert Packer Hospital, and 15% directly to the Robert Packer Hospital on a claim of corporate negligence.

The verdict is believed to be the largest medical malpractice verdict in the Middle District of Pennsylvania, and one of the largest in the history of the Commonwealth.

The case arose out of surgery performed August 27, 1996, at the Robert Packer Hospital, upon Ellen Thurston of Cortland, New York. Dr. Quigley, using a minimally invasive thoracotomy, removed a cancerous nodule and the left lower lobe of Ms. Thurston's lung. During the procedure, Dr. Quigley, utilizing Dr. Wohltmann, who was Chief Resident at the time, as first assistant, cut a hole in her diaphragm. The diaphragmatic hole was supposedly repaired. The patient thereafter began to deteriorate dramatically. During the course of the patient's deterioration, neither Dr. Quigley nor Dr. Wohltmann, both of whom knew about the repaired hole in the diaphragm, told anyone about it. Symptoms of diaphragmatic hernia were not acted upon, and ultimately nine days later the patient's stomach herniated through the hole in the diaphragm, twisted, had its blood supply cut off, and spilled stomach contents into the patient's abdomen. The course thereafter resulted in 149 days of hospitalization and over \$360,000.00 in medical bills alone.

The claim and litigation was handled by Clifford A. Rieders, Esquire, of the Williamsport, Pennsylvania, law firm of Rieders, Travis, Humphrey, Harris, Waters & Waffenschmidt.

Ms. Thurston indicated after the verdict that while she was never in it for "the money alone," she felt "vindicated" by those who had ignored her for so long and never explained the origin of her severe and debilitating problems.

Rieders said the verdict was also important because it was commonplace to regard North Central Pennsylvania jurors as severe, unsympathetic and too rural to really appreciate the value of human life. Rieders said that notion will forever be gone in the minds of those who must value cases in this part of the state.

The insurance company that provided excess coverage for Dr. Quigley and the Guthrie Clinic, Ltd., has denied coverage, and litigation will follow in that respect.

Just prior to the start of the federal court case, Dr. Quigley and his employer, Guthrie Clinic, Ltd., had admitted and acknowledged negligence in their care and treatment of Ellen Thurston.

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