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STANFORD HOSPITAL, DOCTORS, SUED FOR WRONGFUL DEATH, FRAUD "FAILURE OF CHARACTER" says Victim's Son

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Stanford sued for wrongful death, fraud.

San Francisco California -- July 28, 2008 -- Stanford University Hospital and Clinics, Stuart Goodman MD, Eric Stuffman MD, Daniel R. Hamman MD, were named Defendants in a lawsuit filed in San Francisco Superior Court. The 31page complaint alleging Wrongful Death, Fraud, Fraud and Deceit, and Negligent Infliction of Emotional Distress was filed on behalf of the family of Diane Stewart. Ms. Stewart died of an incarcerated small intestine at Stanford Hospital on April 3, 2007.

Ms. Stewart entered Stanford Hospital on March 30, 2007 for knee replacement surgery. In the evening of March 31, she “began experiencing nausea, lack of appetite, and vomiting, among other symptoms, which were recorded by her health care providers”. The next day Ms. Stewart reported the “abdominal pain she was experiencing as being a 10 ... (10 being severe pain)”. Other increasing symptoms of distress included “urine output had dropped dramatically, blood oxygen levels were low; ... drops in her blood pressure and elevated heart rate.” About noon on April 1, family members requested “Defendants to have an abdominal x-ray or similar taken as they feared that the pain experienced by the decedent was an indication of appendicitis or another serious condition.” “...Defendants denied the request for x-ray and/or no other diagnostic test was conducted. “

The complaint continues that in mid afternoon on April 1, 2007, Ms. Stewart told “one or more of the Defendants that her abdominal pain was 8 or higher and her knee pain was 3. The health care provider replied that he was not concerned with her abdominal pain”. When a family member asked a nurse to contact a doctor, the nurse informed her, “...the team responsible for decedent’s care was aware of the abdominal issues, that the pain was being caused by ‘ileus’ and that two doctors, Defendants Stuffman and Hamman, had been contacted and they had taken a course of no action other than palliative medical treatment”. Despite repeated requests from Ms. Stewart and family members, that she be examined and evaluated by a doctor, they were informed by the nurse ... “that their job was to manage the pain and not to do anything else and directed Decedent to use the Patient-Controlled Analgesia or ‘PCA’ device to administer pain medication”. All this time, family members were assured that the “decedent was having a bad reaction to the anesthesia used for surgery and that everything was fine”.

Plaintiffs allege that during the night of April 1 when Ms. Stewart’s blood pressure dropped to within a range requiring notification of a doctor, “...Defendants ... failed to notify a doctor and/or take other steps within the standard of care”.

The complaint continues that on the morning of April 2, 2007 Mrs. Stewart was moved to the Intensive Care Unit “where she died shortly thereafter from an

incarcerated small intestine. The symptoms of which the Decedent complained and/or her family asked to be examined, diagnosed, and or treated were symptoms which Defendants knew and/or should have known to be indicative of an incarcerated small intestine which has an extremely high risk of death if left untreated”.

The complaints of Fraud arise from allegations that Stanford Hospital and the other defendants attempted to cover up their negligence/misfeasance by altering Ms. Stewart’s medical record.

The family expressed satisfaction their case had finally been filed despite the obstacles created by California’s Medical Injury Compensation Reform Act of 1975 (MICRA). Holly Carey, Ms. Stewart’s daughter, told of the difficulty just to hire a lawyer. “When we started this process”, said Ms. Carey, “we had no idea that the MICRA law was so unfair. The ridiculously low limit on lawyers’ fees made it almost impossible to retain an attorney. MICRA definitely stacks the deck in favor of the big institutions – hospitals, insurance companies, and doctors,” Ms. Carey continued. “We discovered that when the victim is old, and retired, as was my mother, most lawyers cannot afford to accept cases that are controlled by MICRA .”

Mrs. Stewart’s son, David, himself a licensed physician, bitterly recalled the tragic circumstances of his mother’s death. “I know from my own experience that surgery is a risky business. A slip of the knife or a wrong diagnosis of a patient’s condition can be failures of training or education and sometimes forgiven. In my mom’s case I believe her doctors’ inexplicable refusals to respond to the cries for help from their patient suffering 10 level pain, and the desperate pleas from family members were failures of character and are unforgivable.”

Note to editors: The complaint (Case No. CGC08-475755) can be viewed or downloaded by entering case number 475755 on the Case Information page of the San Francisco Superior Court website http://www.sfgov.org/site/courts_index.asp

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