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SETTLEMENT RESULT: \$150,000

MEDICAL MALPRACTICE

32 TD 9th 9

SETTLEMENT—Elderly hospital patient recovering from surgery burned by scalding hot tea

MEDICAL MALPRACTICE-FACILITY

Hospital

MEDICAL MALPRACTICE-OTHER PROFESSIONALS

Nurse

PREMISES LIABILITY

No COURT/UNFILED SETTLEMENT

Prince v. Confidential. Settlement date: 5/12/2000.

SETTLEMENT RESULT: \$150,000

A settlement conference was held before Jeffrey Krivis, Esq., resulting in the reported settlement. The case settled without the filing of a lawsuit.

COUNSEL

Plaintiff: **Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.**

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On November 4, 1999, plaintiff, a 75-year-old retired woman, underwent low back surgery at defendant hospital. Plaintiff had been anesthetized, then awoke following surgery and was taken to a hospital room for recovery. Over the course of the next 12 hours, she received substantial pain medication and several sleeping pills.

On November 5, 1999, at approximately 2 a.m., she asked a nurse for a cup of hot tea, as she was feeling cold. Defendant nurse brought plaintiff a cup of hot tea, left it with her, and exited the hospital room. Plaintiff attempted to drink the tea but burned her lips because it was too hot and it spilled on her chest.

Plaintiff alleged that defendant hospital and its nursing staff fell below the standard of care in serving a cup of hot tea to an elderly and heavily medicated patient recovering from major surgery only 12 hours earlier, and leaving the patient alone and unassisted. Plaintiff further alleged that the tea was served at an unsafe temperature.

Defendant contended that it was not negligent and that the conduct of its nursing staff did not fall below the standard of care. Defendant also contended that plaintiff asked for hot tea, and when it was brought to her, plaintiff asked that it be sent back and heated further as it was not hot enough; that its nurse clearly advised plaintiff that the tea was hot; and that plaintiff acknowledged the warning.

Defendant disputed the nature and extent of plaintiff's claimed injuries; that the outpatient needle procedures were not required; that treatment could be provided by the use of aloe vera oils; and that there would be no permanent scar.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained second- and third-degree burns to her left breast over approximately five percent of her body. Plaintiff claimed that a series of four to six outpatient needle procedures would be required to attempt to alleviate the pain and reduce the hypertrophic scarring. Plaintiff further claimed she would be left with a permanent and disfiguring scar over a large portion of her left breast area.

CLAIMED DAMAGES

According to plaintiff: \$823 past medical; \$15,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$250,000. Defendant extended no offers initially.

EXPERTS

Plaintiff: Michael F. Brones, M.D., plastic/burn surgeon, Grossman Burn Center, Los Angeles (818) 829-4776.

Defendant: William R. Dougherty, M.D., plastic surgeon, USC, Los Angeles.

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