

IN THE COURT OF CLAIMS OF OHIO

2013 DEC 31 PM 3:55

LUEDELLA DICKENS, Admr., etc.,

:

Plaintiff,

:

Case No. 2013-00204

v.

:

Judge Dale A. Crawford

THE OHIO STATE UNIVERSITY
MEDICAL CENTER,

:

:

Defendant.

DEFENDANT'S DISCLOSURE OF EXPERT WITNESSES

Pursuant to the Court's Entry filed December 4, 2013, Defendant hereby identifies the following expert witnesses who are expected to testify during trial:

1. Steve Bartz, M.D. (family practice)
Director, Mercy Health System Family Medicine Residency Program
Mercy Hospital and Trauma Center
849 Kellogg Avenue
Janesville, Wisconsin 53546

Dr. Bartz is board certified by the American Board of Family Medicine with an added certificate in geriatric medicine. His report is attached.

2. Louis Cannon, M.D. (cardiology)
560 Mitchell Road
Suite 480
Petoskey, Michigan 49770

Dr. Cannon is board certified in cardiology and interventional cardiology. His report is attached.

3. Belmund Catague, M.D. (attending physician)
Ohio State's CarePoint East Family Practice
543 Taylor Avenue
Columbus, Ohio 43203

Dr. Catague will address the issue of the standard of care consistent with his deposition testimony.

4. Angela U. Tucker, M.D. (attending physician)
Ohio State's CarePoint East Family Practice

ON COMPUTER

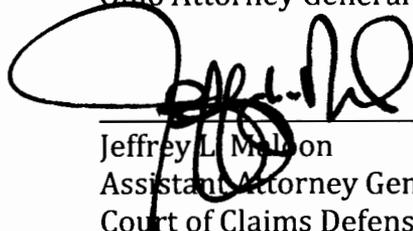
543 Taylor Avenue
Columbus, Ohio 43203

Dr. Tucker will address the issue of the standard of care consistent with her deposition testimony.

Defendant respectfully reserves the right to call any expert witnesses disclosed, utilized, retained or consulted by or on behalf of Plaintiff. Defendant also reserves the right to identify additional witnesses upon completion of further discovery.

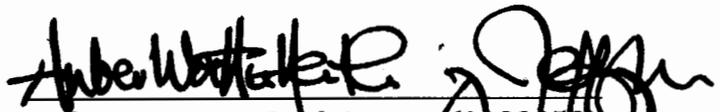
Respectfully submitted,

MICHAEL DeWINE
Ohio Attorney General



Jeffrey L. Maloon (0007003)
Assistant Attorney General
Court of Claims Defense Section
150 East Gay Street
18th Floor
Columbus, Ohio 43215
Telephone: (614) 466-7447
Facsimile: (614) 644-9185
jeffrey.maloon@ohioattorneygeneral.gov

and



Amber Wootton Hertlein (0083858)
Assistant Attorney General
Legal Initiatives
30 West Broad Street
17th Floor
Columbus, Ohio 43215
Telephone: (614) 752-6733
Facsimile: (877) 462-0928
amber.hertlein@ohioattorneygeneral.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

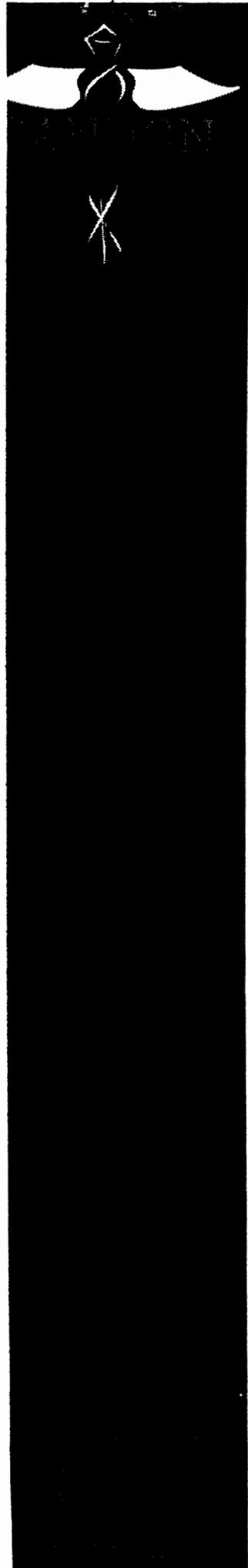
The undersigned hereby certifies that a true and accurate copy of the foregoing was served via regular U.S. Mail, postage prepaid, this ^{3rd} day of December 2013, upon the following counsel of record:

Mark E. Defossez, Esquire
The Donahey Law Firm
495 South High Street
Suite 300
Columbus, Ohio 43215
and
Andrew W. Cecil, Esquire
Cecil & Geiser, L.L.P.
495 South High Street
Suite 400
Columbus, Ohio 43215
Attorneys for Plaintiff



Jeffrey L. Malbon (0007003)
Assistant Attorney General

ec: Paula L. Paoletti, Esquire



December 23, 2013

Jeffrey L. Maloon
Assistant Attorney General
Office of the Ohio Attorney General
150 East Gay Street
Columbus, OH 43215

Re: Dickens vs. OSU Medical Center

Dear Mr. Maloon:

Per your request, I have reviewed various documents regarding Ms. Ella Whitehead who was under the medical care of Belmund Catague, M.D., a third year family practice resident, and his supervising physician, Angela Tucker, M.D. The documents included:

1. Medical records from OSU Care Point East from April 3, 2012 through April 24, 2012;
2. OSUMC outpatient physical therapy records from April 6, 2012 through April 20, 2012;
3. Autopsy Report regarding Ella Whitehead;
4. Deposition of Belmund Catague, M.D.; and
5. Opinion letter of Plaintiff's expert witness, Jeffrey Garrett, M.D.

I am the Program Director of the McLaren Northern Michigan Heart and Vascular Institute and am also the President of the Cardiac and Vascular Research Center of Northern Michigan. I am board certified in internal medicine, emergency medicine (not current), cardiovascular disease (active) and interventional cardiology (active). I have been a practicing cardiologist since 1991.

At the time of her evaluation on April 23, Ms. Whitehead was a 65-year-old African American female. The patient was being seen as a follow-up to a recent auto accident that had resulted in significant muscle strain to her left upper extremity that required physical therapy.

During the evaluation, Ms. Whitehead mentioned that two days prior, she had experienced chest discomfort and shortness of breath, but that her symptoms resolved later that day. The patient did not have a family history of cardiac disease and her only cardiac risk factor was hyperlipidemia, which was being controlled with medication.

Dr. Catague performed an EKG in the office. When he compared the EKG to a previous study performed three years earlier, he noted new T

waves at V2 from the previous study. After consulting Dr. Tucker, Dr. Catague ordered a stress test that was to be performed two days later. He also ordered certain laboratory tests, the results of which were reported later that evening.

Dr. Catague reviewed the laboratory results around midnight and noted the patient's Troponin level to be elevated. He left a message for his staff to contact Ms. Whitehead the following morning to advise her to go to the hospital for further evaluation. Unfortunately, Ms. Whitehead died either that evening or early the next morning.

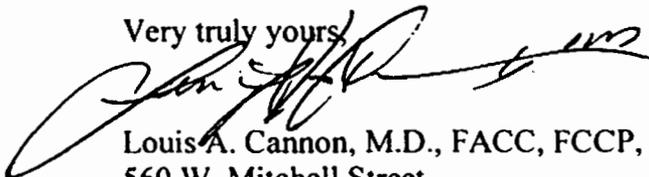
An autopsy was performed at the Franklin County Coroner's Office. The study was limited to an external examination. Notably, the patient's coronary arteries were not evaluated. The pathologist also erroneously recorded that the patient suffered from known hypertension. The cause of death was listed as atherosclerotic cardiovascular disease.

The limited autopsy is of little benefit in establishing this patient's cause of death. While Dr. Garrett believes Ms. Whitehead suffered a myocardial infarct that led to her death, it is more likely that the patient suffered a fatal arrhythmia secondary to a myocardial contusion that resulted from the prior automobile collision. It is well known that automobile restraint devices can cause chest compression to the degree that actually damages the patient's right ventricle. Had this patient been in the hospital at the time of the arrhythmia, it is unlikely that intervention would have saved her life.

It is also possible but unlikely that Ms. Whitehead suffered from an aortic dissection which is also associated with motor vehicle accidents. The episode of chest discomfort that she experienced two days prior to her appointment with Dr. Catague could have been the result of an initial tear of the lining of the aorta. Again, much like the situation involving a myocardial contusion, Ms. Whitehead's death would likely not have been prevented if she had been in the hospital at the time of the dissection.

I reserve the right to amend this report pending the receipt of any additional information. Please let me know if you require additional information.

Very truly yours,



Louis A. Cannon, M.D., FACC, FCCP, FSCAI, FACP
560 W. Mitchell Street
Suite 500
Petoskey, MI 49770
Ph: 231-487-9185
Fax: 231-487-9183

Dickens v OSUMC Opinion Statement

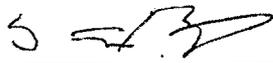
In 1998, I earned a medical degree from the University of Cincinnati where I also completed my family medicine residency and geriatric fellowship. I have obtained Fellow designation with the American Academy of Family Physicians and with the American Geriatrics Society. I am currently a faculty member at the Mercy Health System Family Medicine Residency Program in Janesville, Wisconsin. In that role I supervise the medical training of family medicine residents and medical students. I direct the Janesville Geriatric Assessment Center and have an affiliation with the Wisconsin Alzheimer's Institute. I also am an Adjunct Professor of Family Medicine and an Adjunct Professor of Internal Medicine at the University of Wisconsin School of Medicine. Since 2012 I have been a member of the board of directors of the Wisconsin Academy of Family Physicians. Furthermore, I am a registered pharmacist.

For this case, I have reviewed the following information:

- OSUMC office medical records of April, 2012
- OSUMC physical therapy records of April, 2012
- Ella Whitehead's autopsy report
- Belmund Catague MD deposition
- Jeffery Garrett MD opinion statement
- Louis Cannon MD opinion statement

For this matter, I have formed the following opinions to a reasonable degree of medical certainty:

1. The decision to send Mrs. Whitehead home on April 23 and schedule an outpatient stress test was within the standard of care. Her chest pain and shortness of breath had resolved two days prior. Furthermore, she had recent musculoskeletal injuries from a car accident.
2. Mrs. Whitehead's autopsy report is inaccurate. It erroneously listed her as having hypertension and an inspection of her coronary arteries was not performed. Her actual cause of death is unknown.



Steve Bartz MD, FAAFP, AGSF, RPh

12-30-13
date