

IN THE COURT OF CLAIMS OF OHIO

2014 SEP -2 PM 3: 17

LUEDELLA DICKENS, Admr., etc., :

Plaintiff, :

Case No. 2013-00204

v. :

Judge Dale A. Crawford

THE OHIO STATE UNIVERSITY :

MEDICAL CENTER, :

Defendant.

**DEFENDANT'S PRETRIAL STATEMENT**

Pursuant to Local Rule 7(B), Defendant hereby submits the following pretrial statement. This matter is scheduled to proceed to trial on October 6, 2014 and the trial is expected to last five to six days.

**I. Trial counsel:**

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**II. Summary of case:**

This litigation centers on medical care provided to Ella Frances Whitehead, a single mother of one adult son. The care at issue was provided during an evaluation on April 23, 2012, by Belmund Catague, M.D., a third-year family practice resident, and his supervisor, Angela Tucker, M.D.; both of whom were employed by Defendant.

At the time of her evaluation, Ms. Whitehead was a fairly healthy sixty-five year old female. She suffered from chronic baseline tremors of her upper extremities, bilateral hearing loss, and suspicious masses in her left breast. Ms. Whitehead had been diagnosed with schizophrenia and borderline personality

disorder. The patient was known to be very suspicious of the medical community as a result of her mental illnesses.

Ms. Whitehead's medical history also included high cholesterol, her only known risk factor for cardiac disease, which was moderately controlled with medication. A prior EKG performed in 2009 demonstrated normal sinus rhythm with no evidence of coronary heart disease.

The patient was being seen that day as a follow-up to a recent automobile collision that resulted in significant muscle strain to her left arm and shoulder. Physical therapy had been relatively successful in alleviating the patient's symptoms. Ms. Whitehead also mentioned that she had experienced chest discomfort and shortness of breath two days prior to the appointment but that her symptoms had resolved later that same day.

Dr. Catague performed an EKG while Ms. Whitehead was in the office. When compared the previous EKG performed three years earlier, Dr. Catague noted new T waves at V2. After consulting Dr. Tucker, Dr. Catague ordered cardiac enzyme tests to be taken that day and a stress test to be performed two days later. Ms. Whitehead was sent home after the blood draw.

The patient's Troponin I level was reported later that evening as elevated. Dr. Catague reviewed the results from home and left a message for his staff to contact Ms. Whitehead the following morning to advise her to go to the hospital for further evaluation. Staff members made numerous attempts to contact the patient but were unsuccessful. Ms. Whitehead was found dead in her home later that morning.

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

Ms. Whitehead is survived by an adult son, Shawn Whitehead, and an 18 year-old grandson, Javon Whitehead. Ms. Whitehead did not financially support her son or grandson and neither family member resided in Ohio. She is also survived by a number of siblings who are located throughout the United States.

This case presents an unusual situation. Pursuant to the terms of her last will and testament, Ms. Whitehead excluded all family members as beneficiaries of her estate. She bequeathed one-half of her estate to the World Harvest Church and the remaining portion to Mental Health of America of Franklin County.

Plaintiff has elected not to identify a family practice physician to provide testimony regarding the standard of care for a family practice resident or his

supervisor. Instead, Plaintiff will present Jeffrey Garrett, M.D., a cardiologist from the University of Pittsburgh. Dr. Garrett believes the EKG findings were indicative of continuing damage to the heart muscle. He has testified that both physicians were negligent in failing to respond to the findings by immediately admitting Ms. Whitehead to the hospital.

Defendant will call as expert witnesses, Steve Bartz, M.D. and Louis Cannon, M.D. Dr. Bartz is a board certified family physician and Dr. Cannon is a board certified cardiologist. Dr. Bartz is of the opinion that the EKG findings were subtle and non-diagnostic, and that Drs. Catague and Tucker complied with the standard of care. Further, Dr. Cannon will testify that Ms. Whitehead suffered a fatal arrhythmia secondary to a myocardial contusion that resulted from the restraint device during the prior automobile collision.

### **III. Legal issues:**

1. Whether Dr. Catague or Dr. Tucker deviated from the accepted standard of care for family practice physicians in his/her evaluation of the patient.
2. Assuming at least one of the health care providers deviated from the accepted standard of care, whether such care proximately caused injury to, or the death of, Ms. Whitehead.
3. Assuming at least one of the health care providers deviated from the accepted standard of care and that such care proximately caused injury or death to Ms. Whitehead, the extent of Ms. Whitehead's injury and the amount of damages sustained by Plaintiff.

### **IV. Lay witnesses:**

Defendant anticipates calling the following lay witnesses:

1. Plaintiff Luedella Dickens (on cross-examination)
2. Shawn Whitehead (on cross-examination)
3. Any other witnesses called by Plaintiff (on cross-examination)
4. Belmund Catague, M.D. (attending physician)  
Ohio State's CarePoint East Family Practice  
543 Taylor Avenue  
Columbus, Ohio 43203
5. Angela U. Tucker, M.D. (attending physician)  
Ohio State's CarePoint East Family Practice

543 Taylor Avenue  
Columbus, Ohio 43203

Defendant reserves the right to call any witness identified and/or called by Plaintiff.

**V. Expert witnesses:**

Defendant anticipates calling the following expert witnesses:

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, a board certified family practice physician with an added certificate in geriatric medicine, is expected to testify on issues involving the standard of care.

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

Dr. Cannon is board certified in cardiology and interventional cardiology. He will address issues of the standard of care, causation, and damages.

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

Dr. Catague will address issues regarding the standard of care.

4. Angela U. Tucker, M.D. (attending physician)  
Ohio State's CarePoint East Family Practice  
543 Taylor Avenue  
Columbus, Ohio 43203

Dr. Tucker will address issues regarding the standard of care.

Defendant reserves the right to call any witnesses identified and/or called by Plaintiff.

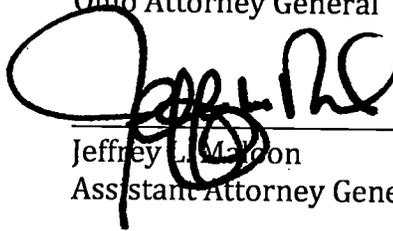
**VI. Exhibits:**

Prior to trial, Defendant will seek a stipulation from Plaintiff that the hereinafter medical records regarding Ms. Whitehead are admissible without the necessity of calling a records custodian to authenticate them as business records.

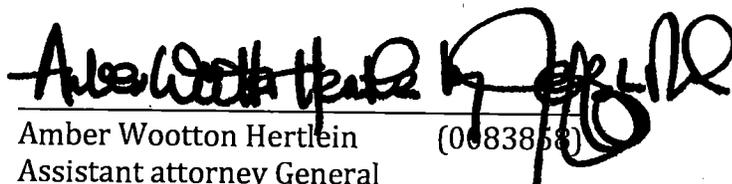
1. The office records of Ohio State's CarePoint East Family Practice. (Via proposed stipulation).
2. The medical records regarding the admission of Ella Whitehead to Diley Ridge medical Center on April 2, 2012. (Via proposed stipulation).
3. Other medical records from The Ohio State University Medical Center regarding the decedent's medical history and conditions at the time of her death. (Via proposed stipulation).
4. Curriculum Vitae of Belmund Catague, M.D. (Via Dr. Catague).
5. Curriculum Vitae of Angela U. Tucker, M.D., F.A.C.P. (Via Dr. Tucker).
6. Curriculum Vitae of Steve Bartz, M.D., F.A.S.P. (Via Dr. Bartz).
7. Curriculum Vitae of Louis Cannon, M.D., F.A.C.C. (Via Dr. Cannon).

Respectfully submitted,

MICHAEL DeWINE  
Ohio Attorney General



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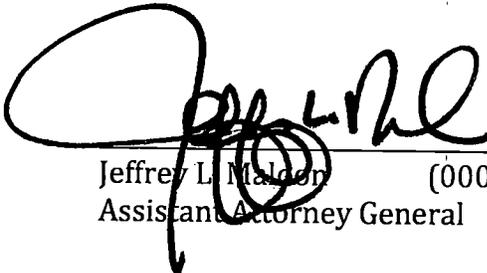
Counsel for Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic transmission, this <sup>2<sup>ND</sup></sup> day of September 2014, upon the following counsel of record:

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