

Leaders in the Law

2024

TOP VERDICTS 2023

#3 – \$20 MILLION

Luppold v. Lowell General Hospital

Robert M. Higgins, Lubin & Meyer, Boston

In March 2023, Robert M. Higgins of Lubin & Meyer in Boston scored a \$20 million verdict for his client, who was forced to have an above-the-knee amputation after a blood clot was misdiagnosed on two separate occasions.

Steven Luppold, age 43, arrived at Lowell General Hospital's Emergency Department on March 7, 2015, complaining of back pain and a cool left foot that was turning purple. The physician's assistant who evaluated him diagnosed the issue as sciatica and he was discharged.

Six days later, Luppold returned to the ED. His foot was still discolored and cool, and he also complained of severe left ankle pain in the absence of any trauma. He was seen by a nurse practitioner who did not ask any questions about his foot or ankle. Again, Luppold was diagnosed with sciatica and discharged home with pain medication. No ultrasound was performed to evaluate his foot and/or ankle.

When Luppold went to Lahey Clinic Medical Center on March 17, his left lower leg was cool and mottled with no pulses. An immediate ultrasound showed a clot from his upper leg extending down to his foot. His only option: an above-the-knee amputation,



ROBERT M. HIGGINS

the vascular surgeon explained, which was performed the next day.

During the three-week trial in Superior Court, Higgins presented an emergency medicine expert and emergency room nurse expert who testified that the defendants were negligent in failing to properly work up Luppold's foot and ankle abnormalities.

"We also brought in the only surgical expert to testify, who told the jury that [Luppold's] leg could have been saved with the proper treatment to get the blood flowing again," he says.

The defendants argued that the plaintiff never told them directly that he had foot or ankle problems

and that he complained of back pain. Luppold's two different visits required Higgins to explain to the jury that his client wasn't changing his story or leaving out pertinent information; he was simply answering the different questions asked by different people at different times.

"At all times his concern was about his leg, and we were able to demonstrate that with the physician assistant's notes and the nurse that discharged him," he says. "We had to show the jury to take his experience as a whole."

Higgins asked the jury for roughly \$2 million per year from the date of the injury, or \$16 million, but didn't suggest a specific number for his client's future, instead reminding them that he would live with problems for the rest of his life.

The jurors deliberated for almost 10 hours over two days and returned a \$20 million verdict, reaching \$28.8 million with interest.

While his client achieved a sense of justice with the verdict, it was bitter-sweet, Higgins explained, as Luppold was forced to listen to testimony that had the defendants ordered an ultrasound, he would still have his leg.