

Leaders in the Law 2024

TOP VERDICTS 2023

#5 – \$7.56 MILLION

McDonald v. Ruberg

Adam R. Satin and Lynn I. Hu, Lubin & Meyer, Boston

Shortly after her discharge from the hospital, a woman died of an undiagnosed pulmonary embolism, leading to a \$7.56 million verdict in a case tried by Adam R. Satin and Lynn I. Hu of Lubin & Meyer in Boston.

While climbing the stairs to her third-floor apartment, the decedent began experiencing chest pain and shortness of breath. She tried to relax and the symptoms eventually subsided.

But the next morning – with even less exertion – the symptoms returned and an ambulance was called. In the emergency room, she was found to have had a minor heart attack. She was started on IV Heparin and admitted to the care of a cardiologist.

The cardiologist evaluated the decedent and found her to be asymptomatic, but ordered a cardiac catheterization to determine whether any coronary blockages were responsible for the heart attack and required intervention with stenting. The cardiac catheterization revealed no coronary



ADAM R. SATIN



LYNN I. HU

artery disease to explain the cause of the minor heart attack.

Discharged, the decedent arrived home and began climbing the same set of stairs, where her symptoms returned. Although 911 was called, the decedent became unresponsive shortly after and died.

The cause of death was a pulmonary embolism, which Satin explained to the jury was the next most common and life-threatening cause of her symptoms. Although a pulmonary embolism could have been diagnosed or excluded with excellent accuracy with an imaging test called a CT pulmonary angiogram, the cardiologist did not order any testing to rule it out.

But Satin also had to explain why the decedent was asymptomatic

during her time under the cardiologist's care, with stable vital signs. The answer: she was being treated with blood thinners for an unrelated issue, which also happens to be the correct treatment for a pulmonary embolism.

“In a complex medical case like this, we tried to emphasize the things that jurors know – before they ever set foot in the jury box – aren't right,” he says. “In this case, a woman in the hospital under the defendant's care decided she was safe to go home and sent her home with a plan to follow up with another doctor in about a month. I said to the jury, ‘She didn't make it a month, she didn't make it a week, she didn't make it a day – she didn't even make it one hour. Forty-five minutes after she left the hospital she collapsed and died.’ Even before the jury set foot in the jury box they know that doesn't sound right.”

The jurors agreed with Satin and awarded \$7,557,183 to the five children of the decedent, who was just 66 years old when she passed away.