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A CASE ALMOST NOT PURSUED

Lake Success, September 2020... After his potential medical malpractice case had been rejected by another attorney, Pegalis Law Group, LLC was contacted by a man whose 34-year-old wife had died of cardiac arrest. He told us that while his wife was pregnant, with their now two-year-old son, she began to experience fainting spells. She was referred to a cardiologist to determine the cause of her fainting spells. Our client could not understand why his wife had died, despite being seen by a cardiologist, who was supposed to determine why his wife's fainting spells had been occurring. The prior attorney told our client that after having the case reviewed by an expert, he could not prove a case, because the cardiac testing results had been normal. After carefully reviewing the records and speaking with our own exceptional medical experts, we believed that although difficult, the case did indeed have merit and should be pursued.

The cardiac records revealed that prior to the EKG (a test used to assess heart function), an exercise stress-test was done, which consisted of her having to walk on a treadmill. That test had to be stopped because she developed chest pain, shortness of breath and left arm pain. Due to the normal EKG, no further testing was done. There was no diagnosis as to what caused the fainting episodes or the issues she experienced while on the treadmill.

When she suddenly died, an autopsy was performed and the report revealed a 90% blockage of one of her arteries. Based upon this information, the plaintiff's theory of liability was that despite the fact that the exercise stress-test had normal parameters—especially a normal EKG result—the defendants should have performed additional testing to determine whether the patient was suffering from coronary artery disease. The difficulty in pursuing this case, apart from the normal results of the exercise stress-test, was the evidence that the plaintiff may have died as a result of an overdose of a prescribed medication. The plaintiff had to defeat the defendants' motions to dismiss the case, by obtaining experts in the fields of cardiology, forensic pathology, endocrinology, and toxicology. The plaintiff had to explain why the stress-test did not produce, most importantly, any EKG changes. Additionally, the plaintiff had to address the issue as to why the patient, a non-diabetic, presented to the hospital just prior to her death with a glucose level of over 500, which was wildly abnormal, as well as why the EKG did not show heart damage.

With the help of the Court, a settlement in the amount of a little over \$2 million was reached. But for Pegalis Law Group's dogged determination to dig deeper into the medical records and to consult with various experts in different medical fields, the husband, as well as their young child, would never have received any compensation for their significant loss of a young wife and mother. This case represents the type of effort that Pegalis Law Group puts forth so as to obtain just and fair compensation for clients.