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WEEKLY

## Jury sides with ER doc in stroke-treatment case

### DEFENSE VERDICT

- **Medical malpractice**
- **Venue:** St. Louis County Circuit Court
- **Judge:** Gloria Clark Reno
- **Case Number/Date:** 1511-CC003434/ Feb. 2, 2018
- **Caption:** Nelda Higgins, class one beneficiary and for all other class beneficiaries of Johnny Higgins, deceased v. Gerardo Gutierrez, M.D., and Christian Hospital Northeast-Northwest
- **Plaintiffs' Attorneys:** Alvin Wolff Jr., Alexander Wolff, Wolff and Wolff Trial Attorneys, St. Louis
- **Defendant's Attorneys:** Kim Luther, Andrew Luther; Luther & Associates, St. Louis (for Gutierrez); Terrence O'Toole Jr., Williams Venker & Sanders, St. Louis (for Christian Hospital Northeast-Northwest)

BY ALAN SCHER ZAGIER

*Special to Missouri Lawyers Media*

A St. Louis County jury has sided with an emergency-room physician and hospital sued for medical malpractice by the widow of a stroke patient.

Nelda Higgins alleged in the 2015 lawsuit that Dr. Gerardo Gutierrez and Christian Hospital nursing staff improperly treated Johnny Higgins' ischemic stroke in the emergency department in August 2014.

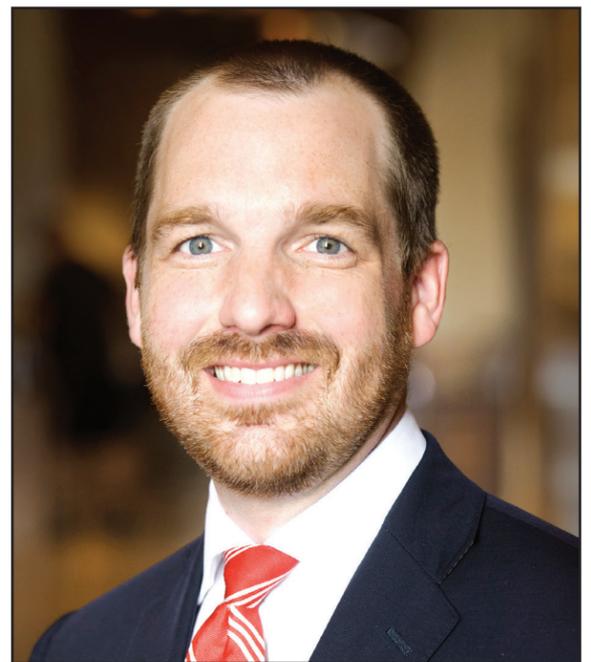
Gutierrez negligently administered intravenous tissue plasminogen activator, or tPA, when Higgins' systolic blood pressure was above the contraindicated cutoff, according to claims in the complaint and court testimony. Nelda Higgins alleged that her late husband suffered a hemorrhagic stroke after the tPA was administered. He died at a different health care facility several weeks after his initial hospitalization.

After a five-day trial, the jury deliberated for about three hours before returning a verdict 9-3 in favor of the defendants on Feb. 2.

Plaintiff's attorney Alvin A. Wolff Jr. filed a motion for a new trial against Gutierrez, citing three alleged procedural errors, including a failure to allow a plaintiff's expert who would have countered defense experts' views on the patient's pressure levels; a comment by St. Louis County Circuit Judge Gloria Clark Reno, after a sidebar in which she told the jury "that is not what the experts said," referring to a defense expert's testimony during cross-examination regarding the



**Kim Luther**



**Andrew Luther**

American Stroke Association's standard-of-care guidelines; and improperly striking the portions of a treating physician's testimony on behalf of Higgins' widow while allowing a defense expert to testify on similar details.

Records from Missouri Casenet show that Reno denied that request on March 27.