

# Attorney Wins \$7.5M for Family of Woman Who Bled to Death During Surgery

Florida Business Review (Online)

May 13, 2015 Wednesday

Copyright 2015 ALM Media Properties, LLC All Rights Reserved Further duplication without permission is prohibited



**Length:** 612 words

**Byline:** Julie Kay

## Body

---

Details: Maria Elena Espinosa was a 45-year-old Miami nursing assistant and mother of two who discovered a 2½-inch lump on the back of her head. She was referred to Dr. Basil Yates, a Hialeah neurosurgeon, who said she needed immediate surgery. She also saw a radiologist who disagreed, suggesting a biopsy instead. Espinosa took Yates' advice and proceeded with the surgery.

Both Espinosa's pre-operative electrocardiogram and lab work were abnormal, showing protein in her urine. According to her lawyer, that was a red flag that should have been investigated before surgery since a skull tumor combined with protein in the urine indicates multiple myeloma, a type of cancer of the blood.

Yates proceeded with the surgery at Hialeah Hospital on May 13, 2009. During surgery, an anesthesiologist not involved in the care discovered a pool of blood under her head and told the surgeon to stop operating. Espinosa died on the operating table from massive blood loss.

Gutierrez filed suit against hospital owner Tenet Hialeah Healthsystem, anesthesiologists, primary care doctors and the neurosurgeons. All settled confidentially before trial except neurosurgeons Yates and his partner, Pedro Albanes, who made a minimal settlement offer. Their trial began April 20.

Case: Rolando Ruiz, Alejandro Ruiz and Adriana Ruiz v. Tenet Hialeah Healthsystem d/b/a Hialeah Hospital, et al. Case no: 09-92826CA23 Description: Medical malpractice Filing date: Dec. 24, 2009 Verdict date: April 29, 2015 Judge: Miami-Dade Circuit Judge Jacqueline Hogan Scola Plaintiff attorney: Jorge P. Gutierrez Jr., Freedland Harwin Valori, Fort Lauderdale Defense attorneys: John Sutton and Jeffrey Suarez, Sutton Law Group, South Miami Verdict amount: \$7.52 million

Plaintiffs case: Plaintiffs called numerous personal and expert witnesses. The experts included Michael Chapparo, a Loxahatchee neurosurgeon, who testified Espinosa should have had a biopsy before any surgery. He also testified Yates used an improper surgical technique and Espinosa died of tremendous blood loss.

Another expert witness was San Diego anesthesiologist William Mazzei, who attributed Espinosa's death to profuse blood loss. Also testifying was Harvey Greenberg, a radiation oncologist with the H. Lee

Moffitt Cancer Center & Research Institute in Tampa, who testified Yates did not follow the proper treatment for a skull tumor.

Espinosa's husband and two children testified about their suffering as a result of her death. Finally, the children's school guidance counselor testified about how good a mother she was and how the loss affected the children, now 14 and 20.

Defense case: A call and email for comment was not returned by deadline.

The plaintiffs said University of Miami neurosurgeon Ricardo Komotar testified surgery was the only option. University of Pennsylvania anesthesiologist W. Andrew Kofke testified the anesthesiologist, not the surgeon, was at fault and should have been keeping up with blood loss through transfusions and he used an intravenous line that was too small.

Outcome: After an eight-day trial, jurors deliberated for 3½ hours before assigning 50 percent liability to both Yates and Albanes and awarding the family \$7.5 million for pain and suffering. Rolando Ruiz was awarded \$2.5 million, Alejandro Ruiz \$2 million and Adriana Ruiz \$3 million.

Comments: "The family has finally received some closure after six years in which their mother and spouse were taken from them in a surgery that should have never taken place," Gutierrez said.

Post-verdict: The defense has filed four post-trial motions for mistrial, directed verdict, remittitur and stay entry of judgment pending post-trial motions.

**Load-Date:** May 13, 2015

---

End of Document