



Settlement/Verdict Reports

Auto ♦ Premises ♦ Product
Medical ♦ Miscellaneous

Settlement and Verdict Reports should be mailed to Michael W. Manners
311 West Kansas, Independence, Missouri 64050-3771
or Faxed (816) 836-8953

Publication of the Missouri Association of Trial Attorneys

Volume XIV, Number 5, December 1995

7. Verdict for third degree burns over 40% of body.
— *Delk v. Centreville Township Hospital, et al., St. Clair County, Illinois.*

Drew C. Baebler and Michael L. Nepple (St. Louis) for plaintiff. David Nester, Charlene Cremeens, Timothy Richards, JoDee Favre Jones, Staci Yandle (Belleville) and David Coffman and Joseph Hillebrand (St. Louis), Robert Schultz, Jr. (Edwardsville); and Mark Metzger (Chicago, IL) for defendants. In December, 1991, Lessie Delk who had been diagnosed as psychotic was admitted to Centreville Township Hospital by Dr. Dennis and Dr. Bernard for treatment of a condition involving congestive heart failure. Upon admission into the hospital, she was discontinued from all anti-psychotic medications. During her hospitalization for a day and a half she acted bizarrely. She was tied down in her hospital bed and her door was partially shut. Shortly after the fire doors closed, it was discovered that she was on fire. Plaintiff brought suit against the Hospital, the nurses, two doctors and the manufacturer of the posey restraint and the bed linens. The allegations regarding the products were that they should have been fire resistant. The allegations against the medical providers were that the plaintiff should not have been admitted to this hospital, she was not properly sedated, and she was not adequately monitored or observed. Delk was transported to St. John's Hospital in St. Louis where she was treated for her third and fourth degree burns. She continues to survive. Lessie was 66 years old when she was burned. Medical: Nearly \$500,000. Centreville Hospital was self-insured; all other defendants had insurance. By first day of trial settlement was reached with all except two defendants. *Verdict: \$7,226,000 against Dr. Dennis which was offset by previous settlements totalling \$1,160,000 against the defendants except the Hospital which settled for an additional confidential amount.*

Plaintiff's Expert: James "Red" Coble, Carmen formerly employed by defendant, from Springfield, MO. Live: Dr. George Schoedinger, Orthopedic Surgeon, treating doctor from St. Louis, MO live; Donald Ostrum, Safety and Liability Expert, from Minneapolis, Minnesota, live.

Defendant's Expert: several experts were named but not used in trial.

Last Demand: \$440,000 during trial

Last Offer: \$385,000 during trial

Verdict: Returned July 20, 1995 for plaintiff \$1,300,000 with accortionment of fault 100% to defendant; defendant's motion for JNCV and new trial denied; appeal is pending.