

Couple wins \$1 million in malpractice lawsuit

By **ALISON GRANT**

PLAIN DEALER REPORTER

A Cuyahoga County jury yesterday awarded an Israeli couple almost \$1 million because of injuries the man suffered during surgery for a heart valve defect at The Cleveland Clinic.

The medical malpractice verdict was returned after a six-day trial that named as defendants both the Clinic and Dr. Delos Cosgrove, chairman of thoracic and cardiovascular surgery.

Cosgrove was performing a mitral valve repair on Roni Halevi in September 1996 when he accidentally injured Halevi's liver.

Rubin Guttman, lawyer for Halevi and his wife, Devora, said Cosgrove punctured the liver with either a clamp or a chest drainage tube. Cosgrove, unaware of the injury, left the operating room and did not realize until about five hours later that Halevi was bleeding internally, Guttman said.

After an operation to repair Halevi's liver, the patient's condition continued to worsen. Guttman said Halevi went into septic shock from an infection and was hospitalized for 43 days.

Halevi, a sales manager for a ceramic products importer, was permanently weakened from the surgeries and the infection, Guttman said.

Clinic spokesman Mark Cohen said last night, "We were very disappointed in the verdict. We believe that in this case, as in all cases, we provided appropriate care." Clinic officials are still reviewing whether to appeal, he said.

During the trial, expert witnesses for the Clinic testified that the liver injury — which Cohen described as a nick, not a puncture — while not common, was a "small statistical probability" during the heart procedure performed on Halevi, Cohen said.

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Israeli couple gets nearly \$1 million in malpractice suit

CLEVELAND (AP) — An Israeli couple has been awarded nearly \$1 million in a malpractice suit for liver damage during the husband's heart surgery at Cleveland Clinic Hospital.

The verdict in favor of Roni Halevi and his wife, Devora, was returned in Cuyahoga County Common Pleas Court after a six-day trial that named as defendants both the Clinic and Dr. Delos Cosgrove.

Cosgrove was performing a mitral valve repair on Roni Halevi in September 1996 when he accidentally injured Halevi's liver, according to the lawsuit.

Rubin Guttman, lawyer for the Halevis, said Cosgrove punctured the liver with either a clamp or a chest drainage tube.

After an operation to repair Halevi's liver, his condition worsened. Guttman said Halevi developed an infection and was hospitalized for 43 days.

Halevi, a sales manager for a ceramic products importer, was permanently weakened from the surgeries and infection, Guttman said.

He said the Halevis make their home in Moshav Sde Eliezer, a village in northern Israel, and came to the Clinic for the surgery.

Guttman said the award was \$1 million for the Halevis and \$35,000 for the Clinic in the hospital's counterclaim for unpaid bills.

Clinic spokesman Mark Cohen said the research hospital was disappointed by the verdict. "We believe that in this case, as in all cases, we provided appropriate care," he said.

Clinic officials are still deciding whether to appeal, Cohen said.

He said the liver damage was minor.

"That type of injury in this type of surgery is not unheard of, and it is one of the risks. The patient's liver was not punctured and there was evidence of that from expert witnesses brought out at trial," Cohen said.

Cosgrove could not be reached for comment. There is no home phone listing for him in the Cleveland area. A secretary in his office said Thursday he was in an operating room and was not available.