

Missouri Lawyers WEEKLY

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Man who lost use of arm, hand settles med-mal case

Blood, oxygen cut off after multiple bone breaks



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A man who alleged an undiagnosed and untreated condition cost him most of the use

of his dominant arm settled a medical malpractice lawsuit for \$1 million.

Under terms of the settlement, the names of the plaintiff, the defendants and defense attorneys are confidential, plaintiff's attorney Toni Schlappizzi said.

The man dislocated his wrist and broke the radius and ulna bones in his forearm in a Dec. 17, 2009, fall, Schlappizzi said. The arm was set in an emergency surgery, but afterward it swelled and the patient suffered "extreme pain disproportionate to the injury," Schlappizzi said.

Swelling and disproportionate pain are symptoms of acute

compartment syndrome, in which muscles and nerves inside a muscle casing, or compartment, can suffer from lack of blood flow and oxygen because of pressure from swelling.

"Typically within 12 hours it will set in. ... In four to eight hours, you have irreversible damage to the muscle" without surgery to relieve the pressure, Schlappizzi said.

The defense argued that acute compartment syndrome diagnosis relies on determinations using a doctor's discretion, as opposed to concrete, objective signs, Schlappizzi said.

A defense attorney didn't return phone calls or an email

from a reporter by press time. Schlappizzi provided a copy of a settlement check with the plaintiff's name redacted as confirmation of the settlement.

The plaintiff was left with a nonfunctioning dominant arm with the hand curled in. It took six surgeries after the original surgery setting his arm to get some function back in his hand, but he still can't write or hold things with it, she said.

The plaintiff, 59, has been going to physical therapy twice a week and hasn't worked since the accident.

"He's not hireable at this age in this market," Schlappizzi said. **MO**

\$1 Million Settlement

MEDICAL MALPRACTICE

■ **Venue:** St. Louis County Circuit Court

■ **Case Number/Date:** Confidential/July 29, 2013

■ **Caption:** Confidential

■ **Plaintiff's attorneys:** Antoinette "Toni" Schlappizzi and Donald Schlappizzi, Schlappizzi Attorneys at Law, St. Louis

■ **Defense attorney:** Confidential