

# THE DAILY RECORD

BALTIMORE COUNTY EDITION

WEDNESDAY, NOVEMBER 24, 1999

## Baltimore Jury Awards \$2.5M in Medical Informed Consent Case

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**A** 53-year-old Westminster woman who sought surgery because she feared she was a likely candidate for a stroke — and then suffered a stroke after receiving the surgery — was awarded \$2.5 million against her former physician yesterday.

After an eight-day trial, a Baltimore City Circuit Court jury returned the verdict against Dr. Louis Queral, a Baltimore vascular surgeon. The jury awarded Diane Kelly, a former account executive with a Baltimore collection agency, \$2.5 million for medical expenses and lost wages.

"This is a very unusual case because it's not your usual medical malpractice," said Peter M. Rubin,

Kelly's attorney. "This was an informed consent case — did her doctor inform her of all the risks before she had the operation? No, it didn't require surgery and the doctor didn't explain the risk of a stroke if she had [surgery]."

Furthermore, Queral was conducting a study on the effects of this kind of surgery, Rubin said.

"It indicates he didn't tell her the risks because he wanted her to be part of the study," Rubin said. "He told her she needed emergency surgery, which she had. But without the surgery, Kelly wouldn't have had the stroke."

Kelly suffered from subclavian steal syndrome, a blockage in the artery behind her shoulder blade. This artery supplies blood to the left arm, and because of a family history

of stroke, Kelly feared the condition would lead to a stroke.

Kelly was awarded \$1.8 million for future health care needs, \$180,000 for medical expenses and \$500,000 in lost income. Rubin said a cap on large jury awards does not apply in this case because the awards are all for economic damages.

This is the second victory for Rubin, and his partner Andrew G. Slutkin, this month. Earlier, a Baltimore County Circuit Court jury awarded their client a \$3.1 million verdict against a physician who failed to diagnose the patient's cancer that doctors now say will likely kill her in five years.

Queral's attorney couldn't be reached for comment.."

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