

Jury awards \$5.8M in wrongful death case against UMMS

By: Heather Cobun Daily Record Legal Affairs Writer ○ January 14, 2020

A Baltimore jury awarded more than \$5.8 million to the family of a woman who died from complications following a heart valve replacement at a University of Maryland Medical System facility in 2016.

Elsie Mae Mason had valve replacement surgery on June 10 and on June 13 went into cardiac arrest and sustained a serious brain injury. She lived for six days before dying on June 19, 2016.

Mason's children filed suit in Baltimore City Circuit Court in 2018, alleging the hospital negligently failed to identify and treat a cardiac tamponade, a known complication from the procedure in which fluid accumulates around the heart, according to attorney Michael V. McCubbin.

A jury trial began Jan. 6. After several hours of deliberations, the jury returned a verdict Tuesday in favor of Mason's estate and adult children for \$5.87 million, including \$62,177 in economic damages, \$9,972 in funeral expenses and \$5.8 million in noneconomic damages, expected to be reduced to \$962,500 under the state's mandatory cap.

McCubbin said his clients were "very satisfied to have the jury come back and give them the answers they've been looking for."

McCubbin, of Gilman & Bedigian LLC in Timonium, said the family repeatedly questioned doctors about the cause of Mason's death.

"The reason they brought this case was really just to get answers about what happened," McCubbin said.

Though records from the hospital mention a cardiac tamponade several times, the defendant repeatedly denied that Mason developed the complication, according to McCubbin.

"The defendant just tried to hide from its own medical records, from what I can tell," he said.

Though doctors and nurses were present, Mason needed specialists when she developed symptoms, but those experts were not called for more than an hour, McCubbin said.

"In a cardiac emergency, it's minutes that matter," he said. "It's seconds that matter."

A spokesman for UMMS said Tuesday that the hospital is evaluating post-trial options and does not believe the verdict is supported by the evidence.

"The University of Maryland Medical System recognizes that this was a very difficult case both for the Mason family and for our providers and we are extremely saddened by the loss of one of our patients," spokesman Michael Schwartzberg said in a statement. "The health and well-being of our patients is, and always will be, our highest priority."

The hospital was represented by Neal M. Brown of Waranch & Brown LLC in Lutherville. Brown deferred to UMMS for comment.

Stephanie Hill et al. v. University of Maryland Medical System Corporation

Court: Baltimore City Circuit

Case No.: 24C18005209

Judge: Marcus Z. Shar

Proceeding: Jury trial

Outcome: \$5.87 million verdict for plaintiffs, including \$62,177 in economic damages, \$9,972 in funeral expenses and \$5.8 million in noneconomic damages, expected to be reduced to \$962,500 under the state’s mandatory cap

Dates:

Incident: June 13, 2016

Suit filed: Sept. 18, 2018

Verdict: Jan. 14, 2020

Plaintiffs’ Attorneys: Michael V. McCubbin and Briggs H. Bedigian of Gilman & Bedigian LLC in Timonium

Defendant’s Attorneys: Neal M. Brown of Waranch & Brown LLC in Lutherville

Counts: Wrongful death and survival action

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