

JSH PARTNERS BULLINGTON AND TYSZKA OBTAIN UNANIMOUS DEFENSE VERDICT IN SADDLE PULMONARY EMBOLUS CASE

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[Steve Bullington](#) & [Cory Tyszka](#)

Maricopa County Superior Court | January 30, 2024

Jones, Skelton & Hochuli, PLC is pleased to announce Partners Steve Bullington and Cory Tyszka obtained a unanimous defense verdict for a medical malpractice case. This wrongful death case involved allegations of medical malpractice arising from a radiologist's report of no deep venous thrombosis ("DVT") on review of a 49-year-old patient's venous Doppler ultrasound after she presented to the emergency department with calf pain and swelling following a foot fracture. Almost three weeks later, the patient suddenly collapsed and died, and an autopsy confirmed that the death was caused by a massive saddle pulmonary embolus.

Plaintiff alleged that the ultrasound showed extensive DVT throughout the calf veins, and thus, should have been reported as a positive study. Alternatively, Plaintiff alleged that the final report stating "No DVT" was negligent in light of the radiologist's contention that the calf veins could not be adequately visualized on the imaging. Plaintiff further alleged that, had DVT been diagnosed, the patient would have been treated with anticoagulation therapy and would not have suffered the fatal pulmonary embolism. The radiologist maintained that he met the standard of care in all respects. He explained that it is common for the calf veins to be poorly visualized and therefore it was not worrisome when he could not see them clearly on this study. The poor visualization of the calf veins was noted in the body of the report, and this was sufficient to convey the limitations of the study to the ordering physician. Additionally, the radiologist argued that the patient's clinical course did not support Plaintiff's theory that the DVT continued to propagate until it embolized and caused her death weeks later. Defendants also claimed that the patient was comparatively at fault for failing to follow up with her primary care physician or return to the emergency department upon worsening symptoms. The surviving husband, son, and parents claimed damages from the grief, pain, suffering, and loss of consortium arising out of the patient's tragic and untimely death.

The case was tried in Maricopa County Superior Court before the Honorable Rodrick Coffey. On January 30, 2024, after a thirteen-day trial, a ten-person jury returned a unanimous defense verdict after deliberating for about two hours.



[Steve Bullington](#) concentrates his practice on medical malpractice and health care law. He is a member of the American College of Trial Lawyers and has tried about 30 cases to verdict.

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[Cory Tyszka](#) concentrates her practice on medical malpractice and health care law. She is a leader within the Arizona Women Lawyers Association and is the Vice Chair of the Arizona Supreme Court's Committee on Examinations. She has tried 10 cases to verdict.

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