



## Suit Alleging Surgeon's Malpractice Led to Death Ends in \$1.1M Verdict

**R**odriguez v. St. Mary Hospital: A Hudson County jury ordered three nurses to pay a total of \$1.1 million on May 11 to the estate of a woman who died four months after a gauze pad was left in her intestines during surgery.

But the estate will get only \$660,000



**Adam Slater won \$660,000 for the estate of a woman who died four months after a gauze pad was left in her intestines during surgery.**

of that award because two defendants settled before trial.

According to the suit, Erieda Pamos, 58, of Union City, underwent cancer surgery on Jan. 15, 2004, at St. Mary Hospital in Hoboken to remove her uterus, cervix, ovaries, fallopian tubes and part of her intestines. Afterward, the nurses miscounted the number of gauze pads used and left one inside Pamos.

About 11 days later, the pad caused an abnormal connection between the intestine and surgical incision and Pamos' intestines began leaking out. The pad was later removed but during the next four months, Pamos was in intense pain, could not eat, suffered infections and could not undergo chemotherapy.

The suit was filed by Pamos' daughter, Mary Rodriguez, who was represented by Adam Slater of Mazie, Slater, Katz & Freeman in Roseland.

The jury awarded \$1 million for pain and suffering and \$100,000 for wrongful death. It found 60 percent fault with the three surgical nurses, Arlen Wright, Santa Jimenez and Lyle Badger, and 20 percent fault each for attending physician Ira Jacobs and Charles Tolinche, who supervised the surgery. Prior to trial, the two doctors settled for a total of \$250,000.

The estate will receive a total of \$997,000 once interest, medical liens and the \$250,000 settlement are included.

Rodriguez had rejected a \$250,000 offer before trial from the nurses, Slater says.

The nurses were represented by Janet Poletto of Hardin, Kundla, McKeon & Poletto in Springfield, who did not return a telephone call. Slater

says. Poletto argued that Pamos died of cancer-related problems.

Jacobs was represented by Thomas Leyhane of Hoagland, Longo, Moran Dunst & Doukas in New Brunswick and Tolinche by Kenneth Brown of Sharp & Brown in Parsippany. They did not return calls.

Superior Court Judge Barry Sarkisian presided at trial.

— By Maria Vogel-Short