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Jury awards \$10 million in lawsuit

Couple alleges daughter was misdiagnosed

By Scott Williams

STAFF WRITER

A Nueces County jury Tuesday assessed a \$10.8 million award to a Corpus Christi couple in their lawsuit against Driscoll Foundation Children's Hospital and two doctors.

David and Susan Crawford of Corpus Christi brought suit in the 117th District Court of Judge Robert M. Blackmon against Dr. Manuel Mendoza, an emergency room physician, Dr. Alberto Fernandez, the family's doctor, and Driscoll hospital. The suit alleged an ailment suffered by the couple's daughter was misdiagnosed, which resulted in irreparable brain damage.

Richard Mithoff, a Houston attorney who represented the Crawfords, said Susan Crawford took her 2-year-old daughter, Kelly, to Driscoll in December 1986 because she feared a shunt in the child's brain was clogged.

The shunt, a tube that leads

from the brain to the stomach, was inserted shortly after Kelly's birth to drain fluid from her brain. Kelly suffered from a condition known as hydrocephaly - a buildup of fluid on the brain, Mithoff said.

The fluid has to be removed or it will put pressure on the brain, causing damage to the tissue, Mithoff said.

Mithoff said Mendoza and Fernandez diagnosed Kelly's condition as stomach flu and sent her home.

Susan Crawford returned to the hospital the next day, Mithoff said, but Kelly's condition had worsened. As a result of a buildup of fluid on the brain, Kelly, who is now 5, suffered irreparable brain damage, Mithoff said.

In his closing arguments during the trial, Mithoff asked the jury to award the Crawfords \$12 million. The jury apportioned fault among the hospital, the doctors and Susan Crawford, Mithoff said.

The jury's award is a recommendation to the judge, who could accept the jury's assessment or reduce the award, which does not become official until he enters an order against the defendants.

Driscoll's liability in the suit was settled before trial, Mithoff said, meaning Driscoll would not pay the amount awarded by the jury, but would be held to the terms of the out-of-court settlement.

Terms of the out-of-court settlement were not disclosed.

Attorneys for Mendoza, Fernandez and Driscoll could not be reached for comment Tuesday.