

IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI

STEPHANIE LONG, INDIVIDUALLY AND
AS ADMINISTRATOR OF THE ESTATE OF
MONICA LONG, DECEASED, AND THE
WRONGFUL DEATH BENEFICIARIES OF
MONICA LONG, DECEASED

PLAINTIFFS

VS.

CIVIL ACTION NO. 2008-0109CICI

GREENWOOD LEFLORE HOSPITAL AND
FRANCOIS LEŠAGE, M.D., AND JOHN DOES 1-5

DEFENDANTS

FINAL JUDGMENT

This Court based on the testimony of the witnesses, the exhibits offered and received, and the arguments of counsel presented at the bench trial beginning on September 20, 2010, as well as the Post-Trial Memoranda, finds that Judgment shall be entered in favor of the Plaintiff and against Greenwood Leflore Hospital in the total amount of \$500,000.00.

It is, therefore:

ORDERED that Judgment shall be entered in favor of the Plaintiff and against Greenwood Leflore Hospital in the total amount of \$500,000.00, with post-judgment interest at the annual rate of 8% until paid.

SO ORDERED AND ADJUDGED this the 23rd day of August, 2011.


CIRCUIT JUDGE

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FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Stephanie Long brought this action to recover for the death of her daughter, Monica Long. Monica awoke on Friday, September 21, 2007, complaining of a headache. She did not want to go to school. Stephanie Long gave Monica Tylenol and Monica laid down and feel asleep. During the day, Monica played, but felt tierd and played with her ear.

At about 3:00 am on Sunday, September 23, 2007, Monica awoke with a fever of 102°. Again, Stephanie gave her Tylenol and Monica went back to sleep. Stephanie woke Monica up to go to church and Monica had a fever of 104.3°. Stephanie took Monica to the emergency room of the Greenwood Leflore Hospital ("the emergency room"). She was vomiting.

Monica was evaluated by the triage nurse. At the hospital, Monica had a temperature of 102.3°. Monica complained of pain which she described as an 8 on a scale of 1-10.

Monica was seen by Dr. Francois Lesage, who diagnosed her condition as an ear infection. Dr. Legage prescribed antibiotics and ear drops. Stephanie was instructed to follow up with the family physician on Monday morning.

Leaving the emergency room, Monica did not feel like walking, so Stephanie carried her.

The family returned home. Monica laid around. The prescriptions were filled and

brought to the house.

Monica took the medication as prescribed, and continued to lay around the house. Later that night, she seemed worse, and vomited.

Stephanie went to Gloria Long's house to use the telephone to call the hospital. Monica accompanied Stephanie, carried "piggy back" style by her uncle.

Stephanie called the hospital and was told to give Monica the next dose of antibiotics and bring her back in the morning. Stephanie gave Monica the medication, but she vomited.

Stephanie called the hospital a second time and asked if it would be ok to give Monica a suppository. She was told that it would be ok.

At this point in time, the Court finds that the symptoms of bacterial meningitis had become manifest.

Monica slept on the couch that evening. Stephanie gave Monica Tylenol several times throughout the night for fever. Monica also vomited several a few times.

Monica rested well throughout the night and awoke about 9:30 or 10:00am. She went to the kitchen and got a large glass of ice water. She returned to the livingroom and collapsed.

Monica's parents took her to the emergency room.

Monica was seen once again by the triage nurse. She was given an IV and started to go to sleep. Stephanie stayed with Monica. Monica quit breathing and was placed on a ventilator.

Monica was sent by helicopter to University Medical Center in Jackson, Mississippi.

Stephanie and Sidney drove to Jackson. Monica was in the ICU at the Children's Hospital. She was not responsive.

Monica Long died on September 25, 2007, as a result of bacterial meningitis.

The Court finds that the standard of care, as testified to by Dr. Frank Westmeyer,, required the hospital to refrain from giving medical advice over the telephone.

In this case, when Monica’s condition did not improve and she was still vomiting, the hospital should have instructed Ms. Long to bring Monica back to the emergency room.

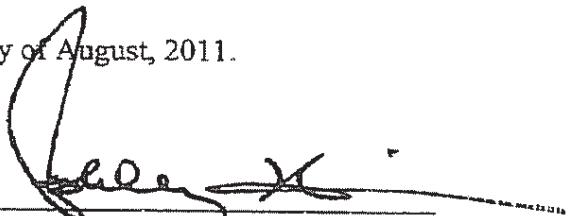
The seriousness of an illness in a febrile child is difficult to evaluate even at bedside.

The Court is of the opinion that if Monica had returned to the emergency room shortly after her mother made the telephone calls, proper diagnostic procedures should have been implemented which would have indicated that Monica had bacterial meningitis. At this time, the Court finds that the disease would more likely then not have responded to a course of treatment and Monica would have recovered. Thus, this breach in the standard of care proximately contributed to the untimely death of Monica Long.

With respect to damages, the Court has carefully considered the amount to be awarded in light of the statutory limits. In this case of the death of a ten year old girl, the maximum award is justified.

Accordingly, Judgment shall be entered in favor of the Plaintiffs and against Greenwood Leflore Hospital in the total amount of \$500,000.00.

SO ORDERED AND ADJUDGED this the 23rd day of August, 2011.



CIRCUIT JUDGE