

Money 'can't fix this body'

Paralyzed woman is awarded \$6.5 million in malpractice suit

By STEPHEN HUDAK
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ELYRIA --- The gifted hands of Lenore Lind, a former home health aide, crocheted quilts, cuddled three sons, calmed a dying mother and cared for the sick.

But they are frozen now like claws.

"I can't even put my hands together to pray," said Lind, 37, who was awarded \$6.5 million Wednesday by jurors who found medical negligence caused the paralysis.

The jury award is believed to be the biggest ever in Lorain County, said James T. Walther, law clerk for Common Pleas Judge Edward M. Zaleski.

"This has left her trapped in a body that doesn't work," said Charles Kampinski, a Cleveland attorney who argued Lind's case to a jury of five women and three men.

"She will spend the rest of her life in a wheelchair," he said. "She can't even wash herself after she goes to the bathroom. She can't do anything."

After a two-week trial, jurors decided EMH Regional Medical Center and Elyria doctors Harinathroa R. Dacha, Romeo S. Mielat and D.C. Patel were guilty of malpractice.

Elyria attorney John P. Gallagher, who represented Dacha, said he was studying the case for an appeal. Attorneys for the others did not return calls.

But hospital spokesman Robert Olesen said he was unsure if the hospital would appeal. He said the incident was not typical of the hospital's quality of care.

"We wish it hadn't happened, but it did and we're sorry," he said.

Citing breathing difficulty, fatigue and other distress, Lind sought help at the emergency room four times in 13 days in April 1992, only to be sent home with antibiotics.

After her fourth visit, she saw a private physician, who diagnosed pneumonia and promptly admitted her to the hospital. But her condition had deteriorated to be point that she needed to be on a ventilator to breathe.

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On May 6, Dacha took Lind off the ventilator. "Everything looked good," said her husband, Jose Lind, a truck driver who left that day to deliver a load to Rochester, N.Y. "I was waiting for her to come home, waiting for her to get better. It seemed like she was going to improve."

But she didn't.

When he reached Rochester, he was told to return.

His wife's condition had worsened. She stopped breathing. She lapsed into a coma. Brain damage crippled her legs. A voice that once sang in the choir turned hoarse.

Court records show that hospital nurses gave her two shots of Demerol despite doctor's orders not to administer sedatives, which could suppress Lind's breathing.

Kampinski argued that her doctors should have admitted her sooner, Dacha should not have taken her off the ventilator and nurses should not have given her Demerol.

"My life was stolen from me," Lind said in a rasping voice. "I don't know what happened. I'm never going to be the same as I was. It's like my life just came to a stop."

Lind, who worked nine years as a home health aide, must depend each day on someone else to chop her food into small pieces she can swallow.

She said she spends her days in three tiny rooms of the family's rented home on E. River Rd., which sits literally in the hospital's shadow.

"I'm not much of a TV watcher," she said.

Instead she spends her days listening to Christian tapes, praying as she performs exercises that consist of shrugging her shoulders and trying to lift her arms.

Twice a day, she plunges her fingers into hot water, massaging them, hoping to ungnarl them.

"It's hard. I feel I put so much pressure on my husband and pressure on my kids," she said. "They have to do everything. It is hard on the kids."

Her eldest son, Jeremy, a freshman at Elyria High School, wanted to participate in athletics at school but must hurry home to care for this mother. Lind's health care aide leaves at 3:30 p.m.

The other boys, Michael and Demein, fetch her water.

"She worked. She kept the house. She took care of the bills. I took all this for granted," said Jose Lind, who works in Cleveland. "She was everything."

Lind and his sons reached a confidential settlement for compensation with the hospital. He said the money will be used to improve their lives.

Kampinski said he will ask the judge to impose a 10 percent penalty on the doctors' insurance company for failing to negotiate.

The penalty could force the company to pay \$1.95 million more.

But Kampinski said the verdict does not make Lind rich. He said an expert witness who testified during the trial estimated that her lifelong care will cost more than \$3.4 million, which she must pay.

Lind's head sank into her shoulders when asked about the award.

"All the money in the world can't fix this body," she said. "Money is nothing at all. My health, my strength, that's all I want, to be like I was."