

LOCAL NEWS

Macomb County jury awards nearly \$10 million for surgical-wound-infection death

Award goes against Henry Ford Macomb Hospital, surgeon



Henry Ford Macomb Hospital in Clinton Township. MACOMB DAILY FILE PHOTO
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A civil panel unanimously awarded the judgment last Thursday to Terrence Peter Calo, representing the estate of Cathleen Allen, at the end of five hours of deliberations following a more than two-week trial in front of Judge James Biernat Jr. in Macomb Circuit Court in Mount Clemens. The judgment went against the hospital and the surgeon, Dr. Vijay Dixit.

The plaintiff's lead attorney was Brian Bourbeau of Bone Bourbeau Law, assisted by Jason Berger and Richard Bone.



Attorney Brian BourbeauSUBMITTED PHOTO

“The jury took its time reviewing the evidence, deliberating for approximately five hours, and concluded the surgeon was professionally negligent and the hospital administratively negligent,” the plaintiff’s attorneys say in a news release. “The negligence resulted in the wrongful death of a very hard working and loving 41-year-old mother of two teenagers.”

Bourbeau added in an email: “I feel strongly that we and our loved ones are often at our most vulnerable when in a hospital. Hospital leadership needs to properly implement policies for patient safety such as timely addressing delays in life-saving treatment.”

He notes the state Court of Appeals said over 20 years ago that medical treatment is a “particularly sensitive area of public interest.”

The hospital disagrees with the verdict and plans to appeal.

“This was a sad and tragic case for the patient and her family, and we share our sincere condolences for their loss; however, the facts and law do not support the verdict,” a hospital spokesperson said in a statement.

The hospital notes Dr. Dixit was not a Henry Ford Macomb Hospital employee.

Experts testified a hospital’s patient safety policies need to be implemented and enforced by hospital leadership, according to the plaintiff attorneys, who say Henry Ford Macomb Hospital officials failed to implement and enforce proper safety policies.

The lawsuit was filed in November 2019.

Allen developed an infection in a surgical wound after undergoing outpatient abdominal surgery at the 19 Mile Road facility, according to the attorneys. A few days after a follow-up appointment, she felt ill so went to the emergency room of the hospital, where it was discovered she was septic from an infection.

Dr. Dixit visited Allen in the hospital mid-morning the next day, and despite evidence of the source of the infection being in the surgical wound, the doctor failed to perform the necessary procedure to clean the wound, attorneys say.

“This went on for approximately five days,” the release says. The delay in treatment “was never taken up the hospital’s chain of command for a timely resolution. The patient safety policy had not been implemented. The patient just kept getting sicker from the uncontrolled infection in the wound.”

Allen died on the sixth day “because any attempt to clean out and control the infection was delayed far too long,” according to the plaintiff’s attorneys.

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