

**SETTLEMENT:  
Medical Malpractice;  
Confidential Settlement of \$1,100,00.00**

In the case of the Estate of *John Doe v. Unnamed Psychiatrist and Hospital*, the parties agreed to settle the claim for \$1,100,000.00 following mediation with the Honorable Antonio C. Robaina. The settlement required confidentiality of the parties.

Due to severe depression and insomnia, the plaintiff decedent began treatment with the defendant psychiatrist in 1996. At that time, and continuing throughout the nearly seven year relationship, the defendant psychiatrist prescribed several medications, including Elavil, Xanax, Paxil, Zoloft, and Neurontin, in various combinations. In addition to battling these afflictions, the plaintiff decedent suffered from alcoholism.

Over a period of five months in 2003, the plaintiff decedent was in and out of hospitals and psychiatric units after attempting suicide and bingeing on alcohol. During the hospital and psychiatric visits it was found that the plaintiff decedent had overdosed on the prescription drug given to him by the defendant psychiatrist, Elavil. During this time, the plaintiff decedent continued to seek psychiatric counseling from the defendant psychiatrist and, despite being aware of repeated hospital visits, which resulted in a diagnosis of Tricyclic overdose, depression, alcohol abuse, and acute alcoholic hepatitis, as well as the Elavil overdose, the defendant psychiatrist continued to prescribe Elavil, Xanax and Neurontin.

On August 8 and August 10, 2003, the plaintiff decedent attempted suicide by carbon monoxide poisoning as a result of severe depression and a four day long drinking binge. A day later, the plaintiff decedent again attempted suicide, this time by overdosing on the Elavil prescription given to him by the defendant psychiatrist. Despite consuming approximately 65 Elavil pills over a one week period, and being diagnosed with Tricyclic overdose, depression, alcohol abuse, and acute alcoholic hepatitis at the defendant hospital, the defendant psychiatrist prescribed the plaintiff decedent more Elavil the day

after his release. He was again give a prescription for Elavil by the defendant psychiatrist several days later.

On August 25, 2003, nine days after his last visit with the defendant psychiatrist, the plaintiff decedent was found dead in a motel room as a result of an overdose on Elavil mixed with alcohol. A toxicology report conducted after death reported the plaintiff decedent's blood contained 3.1 mg/L of amitriptyline (Elavil) at the time of his death.

The experts retained by the plaintiffs agreed that the defendant psychiatrist deviated from the standard of care by continuing to prescribe Elavil despite the plaintiff decedent's previous suicide attempts, and failing to conduct a complete reassessment of the plaintiff decedent's suicidal tendencies and psychiatric condition. In addition, the plaintiffs' experts testified that the defendant hospital deviated from the standard of care by failing to convey information of the plaintiff decedent's risk of suicide, his previous overdose, his active alcohol use and the recommendation that he be prescribed a less lethal antidepressant.

At the time of death, the plaintiff decedent, who was unemployed, left behind a wife and two daughters. After discovery and an interlocutory appeal, the parties agreed to settle following mediation for \$1,100,000.00.

*Submitted by Robert I. Reardon, Jr., Esq. of The Reardon Law Firm, P.C., of New London, Connecticut.*