


**VERDICT SEARCH**

## Medical Malpractice

### Woman claimed ectopic pregnancy not timely diagnosed

Verdict: (P) \$750,000.00

Case Type: Failure to Test, Medical Malpractice - Delayed Diagnosis, Medical Malpractice - OB-GYN

Case: Diana Honeghan Harrington Honeghan v. Frank Kalafatic MD, John Doe MD, New York Hospital Medical Center of Queens, Okoro C.J. Ukpabi, M.D. and Nassau West Obstetrics and Gynecology, P.C., No. 2342/04

Venue: Queens Supreme, NY

Judge: Howard G. Lane

Date: 06-18-2007

#### PLAINTIFF(S)

##### Attorney:

- Rory M. Sheckman; Law Offices of Kenneth A. Wilhelm; New York, NY, for Diana Honeghan, Harrington Honeghan

##### Expert:

- Steven Goldstein M.D.; Obstetrics; New York, NY called by: Rory Sheckman

#### DEFENDANT(S)

##### Attorney:

- Gemma Kenney; Law Offices of Mitchell J. Angel, PLLC; Mineola, NY, for Okoro C.J. Ukpabi, Nassau West Obstetrics and Gynecology, P.C.
- None reported; null, null, for John Doe, Frank Kalafatic, New York Hospital Medical Center of Queens

##### Expert:

- Joel Cooper M.D.; Obstetrics; New Hyde Park, NY called by: Gemma Kenney

##### Insurer:

- Medical Malpractice Insurance Pool of New York State for Kalafatic and Nassau West Obstetrics and Gynecology

#### Facts:

On April 25, 2003, plaintiff Diana Honeghan, 29, a nursing assistant, returned to Dr. Okoro Ukpabi, of Nassau West Obstetrics and Gynecology, P.C., in Hempstead, for a follow-up appointment.

In November 2002, Ukpabi had discovered a mass on one of Honeghan's fallopian tubes. As a result, he had to surgically remove one of her fallopian tubes. On April 21, 2003, Honeghan presented to Ukpabi after a home pregnancy test was found to be positive and she was experiencing some vaginal bleeding. Ukpabi took urine samples and drew blood to detect the presence of beta human chorionic gonadotropin, to determine the normalcy of her pregnancy. He also performed a physical examination and conducted a transvaginal pelvic sonography, which showed an absence of an intrauterine pregnancy.

Honeghan returned to Ukpabi as instructed on April 25, 2003, and she informed him that she was no longer experiencing spotting and that she was pain-free. Ukpabi had the results of the beta-HCG blood test on that visit and found that Honeghan's level on April 21 had been 996. Ukpabi decided to draw more blood to do another beta-HCG test and instructed Honeghan to return on April 28 or sooner if she experienced any pain. A second sonography was not performed at that time. The results of the second beta-HCG test, received some time later, determined that Honeghan's beta-HCG level on April 25 had been 2,986.

That same day, Honeghan went for a second opinion with Dr. Frank Kalafatic and decided to continue her treatment with him. Honeghan did not appear at her April 28 appointment with Ukpabi, but she called to inform him that she would no longer be treating with him. Honeghan continued treatment with Kalafatic from April 28 until May 16, 2003. During that time, Honeghan claimed that she suffered extreme abdominal pain, but that she was told not to worry about it and that if the symptoms worsened to come back to his office immediately.



On May 16, 2003, Honeghan returned to Ukpabi on an emergency basis, complaining of severe abdominal pain. Ukpabi determined that Honeghan had an ectopic pregnancy and immediately operated on her. During the surgery, Ukpabi had to remove Honeghan's remaining fallopian tube, where the embryo had lodged. Honeghan sued Kalafatic, New York Hospital Medical Center of Queens, Ukpabi, Nassau West Obstetrics and Gynecology, and another doctor who was merely identified as a "John Doe" defendant. Honeghan alleged that the defendants failed to timely diagnose and treat the ectopic pregnancy, and that these failures constituted malpractice. The actions against Doe and the New York Hospital Medical Center of Queens were discontinued prior to trial. The matter continued against the remaining defendants. Kalafatic settled with Honeghan prior to trial for a confidential amount, but Kalafatic's name remained on the verdict sheet as departures against him were elicited at trial. Plaintiffs' counsel claimed that Ukpabi departed from good and accepted medical practices in failing to perform a transvaginal pelvic sonography on April 25, in failing to timely diagnose Honeghan's pregnancy as ectopic, and in failing to treat the pregnancy as ectopic until being ruled out. Plaintiffs' counsel alleged that Ukpabi should have performed a sonography on the April 25 visit to definitively rule out the possibility of an ectopic pregnancy. Plaintiffs' counsel claimed that if the sonography had been performed, it would have revealed the absence of an intrauterine gestational sac, which, combined with Honeghan's beta-HCG level, would have suggested an ectopic pregnancy. Plaintiffs' counsel maintained that if the ectopic pregnancy had been diagnosed on April 25, surgery could have been performed and prevented the rupture and loss of Honeghan's fallopian tube.

Ukpabi claimed that at the time Honeghan left his care on April 25, it was not possible to diagnose an ectopic pregnancy. He alleged that one of the symptoms of an abnormal pregnancy is a low beta-HCG level, but that during her visits Honeghan's pregnancy had progressed normally. He claimed that other signs of an ectopic pregnancy would have been abdominal pain and bleeding, but that she never complained to him about abdominal pain prior to her emergency visit on May 16. He also claimed that Honeghan originally did complain of bleeding, but alleged that it had stopped by her April 25 visit.

Ukpabi argued that a sonography would not have helped diagnose an ectopic pregnancy during Honeghan's visits because a gestational sac would not normally be visible until the sixth week of gestation and Honeghan was only three to four weeks pregnant at the time of her April 25 visit. Ukpabi alleged that if Honeghan had not stopped treatment with him, perhaps he would have been able to diagnose her sooner. He contended that Kalafatic was negligent in failing to timely diagnose the ectopic pregnancy and that by the time Honeghan returned to his office, it was too late to save the fallopian tube.

#### **Injury:**

Honeghan suffered a rupture of her fallopian tube as a result of an ectopic pregnancy. She underwent emergency surgery, and her remaining fallopian tube was removed. Honeghan, who was 33 years old at the time of trial, claimed that as a result of the incident her chances for future pregnancy were made much more problematic. Honeghan sought recovery of damages for her past and future pain and suffering. Her husband presented a derivative claim.

**Verdict Information** The jury found that the defendants departed from good and accepted medical practices and were a substantial factor in causing Honeghan's injury. It found Kalafatic 80-percent liable and Ukpabi 20-percent liable. The jury awarded Honeghan \$750,000 in damages.

#### **Diana Honeghan**

\$250,000 Personal Injury: past pain & suffering (4 years)  
\$500,000 Personal Injury: future pain & suffering (47.6 years)

**Post-Trial:** The plaintiffs, Ukpabi and Nassau West Obstetrics and Gynecology agreed to a settlement.

**Editor's Comments** This report is based on information that was provided by plaintiffs' counsel and counsel of Ukpabi and Nassau West Obstetrics and Gynecology. The remaining defendants' counsel was not asked to contribute.