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Superior Court of Connecticut

BARBARA O'CONNELL v. STEPHEN J. URCIUOLI, M.D.

CV990362525S

DATE OF VERDICT/SETTLEMENT: September 2, 2003

TOPIC: DEFENSE VERDICT PHYSICIAN NEGLIGENCE - LIFE SUPPORT DISCONNECTED - DEATH

SUMMARY:

Result: Verdict: Defense verdict

ATTORNEY:

Plaintiff's: [Christine L. Curtiss](#), Derby

Defendant's: [Madonna A. Sacco](#), Bridgeport Richard OiConnell, Cheshire

JUDGE: [William B. Rush](#)

RANGE AMOUNT: \$0

STATE: Connecticut

COUNTY: Fairfield Judicial District

ALLEGED INJURY: Plaintiff sought non-economic damages in excess of \$15,000 for not being present when her husband died.

SUMMARY:

Plaintiff Information:

Age: 65

Sex: F

Occupation: Retired

Marital Status: Married

Insurance Carrier: Self-insured (Bridgeport Hospital);CMIC (Urciuoli)

Jury Deliberations: 4 hours

FACTS:

The surviving spouse of a man disconnected from life support sought damages for the **defendant's failure to obtain plaintiff's prior consent**. Defendant argued that the man had a living will which superseded plaintiff's wishes. The jury agreed with the defendant and returned a defense verdict after 4 hours of deliberation.

Plaintiff Barbara O'Connell's husband was critically ill and had been placed on life support at Bridgeport Hospital. He had appointed his wife as his health care agent and signed a living will which included a '**do not resuscitate**' order. The situation became critical over a weekend when defendant internist, Stephen J. Urciuoli, M.D., was on call for his partner, who was the patient's treating internist. According to the defendant, Barbara O'Connell could not be reached and the

decision was made to terminate life support. The patient died soon thereafter. Reportedly, the patient's son was in agreement with the decision.

Plaintiff alleged that the removal of her husband from a ventilator without notifying her was improper. Plaintiff did not claim that defendant had committed malpractice, just that he was negligent in not obtaining her prior consent and in not ensuring her presence when her husband was removed from life support.

Defendant contended that the patient's living will took precedence, in which he requested no resuscitation. Plaintiff was out of state at the time her husband was disconnected from the ventilator, but the defendant asserted that he had the hospital try to contact her.

Bridgeport Hospital was named in this suit, but was dismissed as there was no legal claim against the hospital because this involved a patient/doctor decision.

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