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Doctor Rejected Blame for Spread of Patient's Infection

In March 2016, plaintiff Scott Breegle, a man in his 50s, learned that he was suffering a multi-joint infection that had caused necrosis of his colon. He required removal of the infected area of the colon.

By **VerdictSearch** | December 29, 2021



Breegle v. Bisignani

Defense Verdict

Date of Verdict: Sept. 13.

Court and Case No.: C.P. Westmoreland No. 17-CI-04667.

Judge: Harry F. Smail Jr.

Type of Action: Medical malpractice.

Injuries: Necrosis of the colon.

Plaintiffs Counsel: Matthew R. Doeblner and Sherie Painter Cannin, Pribanic & Pribanic.

Plaintiffs Experts: B. Sonny Bal, orthopedic surgery, West Valley Cit, Utah; Judith E. Wolf, infectious diseases, Philadelphia.

Defense Counsel: David M. Chmiel, Matis Baum O'Connor, Pittsburgh.

Defense Experts: Javad Parvizi, orthopedic surgery, Malvern; Michael R. Pagnotto, orthopedic surgery, Pittsburgh.

Comment:

In March 2016, plaintiff Scott Breegle, a man in his 50s, learned that he was suffering a multi-joint infection that had caused necrosis of his colon. He required removal of the infected area of the colon. Breegle claimed that the infection reached the colon because an orthopedic surgeon failed to diagnose the infection during its initial stages, in September 2015.

Breegle sued the orthopedist, Dr. Greg Bisignani. The lawsuit alleged that Bisignani failed to timely diagnose Breegle's infection. The lawsuit further alleged that Bisignani's failure constituted malpractice.

In 2004, Bisignani replaced Breegle's hips. From September 2015 to January 2016, Bisignani evaluated Breegle eight times. Plaintiff's counsel contended that Breegle presented symptoms consistent with an infection of the left hip's prosthesis. Breegle's expert orthopedist opined that Bisignani missed signs and symptoms of an infection and that Bisignani could have diagnosed the infection as early as September 2015.

Bisignani denied that Breegle reported symptoms consistent with an infection of the hip. The defense presented Bisignani's records from Breegle's visits, and none of the records referenced left hip pain. The defense claimed that the documentation demonstrated that Breegle's complaints had to do only with swelling below his right knee, attributable to a meniscus tear and arthritis. This was further supported by Bisignani's physician's assistant and medical partner, both of whom saw Breegle during the relevant time period.

The defense further cited Breegle's medical records, which showed that, from October 2015 to March 2016, he saw his primary care physician on four occasions and made no mention of left hip pain. Bisignani's expert orthopedists opined that Breegle's presentations were not consistent with an infection and that Bisignani met the standard of care in his treatment.

In March 2016, Breegle was hospitalized for several weeks after being diagnosed with an infection in multiple joints, such as his knee, right ankle and hips. He underwent debridement procedures, an ankle fusion, removal of his hip prostheses and partial removal of his colon, which became necrotic after loss of blood flow. He was fitted with a colostomy bag.

Following his hospitalization, Breegle was transferred to a rehabilitation facility, where he was treated on an inpatient basis. Upon being discharged home, Breegle consulted with his surgeons and later had his colostomy bag removed. At the end of 2016, Breegle underwent reimplantation of his hip prostheses.

Breegle's infectious-diseases expert testified that the delay in diagnosis allowed the infection to progress and spread to Breegle's joints. This ultimately resulted in low blood flow to his colon. Breegle testified that he has to use a cane because he walks with a limp. According to Breegle, he is more cautious because he is at an increased risk for infections.

Breegle sought to recover approximately \$170,000 in past medical costs, plus damages for past and future pain and suffering. His wife sought recovery of damages for loss of consortium.

The defense maintained that Bisignani's treatment had no impact or effect on Breegle's infection and surgeries.

The jury rendered a defense verdict.

This report is based on information that was provided by defense counsel. Plaintiffs counsel did not respond to the reporter's phone calls.

—*This report first appeared in VerdictSearch, an ALM publication*

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