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\$14.4 Million Award: Slager Madry Secures Victory

By Emily Cousins

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Joaquin Madry and Nicole Coates, partners of Stamford's Slager Madry LLC, secured a \$14.4 million judgment in a medical malpractice lawsuit, which alleged an imaging table collapsed under the plaintiff, injuring him and leading to multiple surgeries.

On Friday, a Waterbury jury awarded the plaintiffs, James Griswold and his wife Diana Griswold, \$9 million. James Griswold was awarded \$3 million in economic damages and \$4 million for pain and suffering, and Diana Griswold was awarded \$2 million for loss of consortium. In addition, the court will add \$5.4 million in prejudgment interest, resulting in a judgment that will be more than \$14.4 million.

"We're pleased that the jury rejected the attacks on Mr. and Mrs. Griswold during the trial and recognized the defendants' responsibility for causing Mr. Griswold's terrible injuries," Slager Madry partner Joaquin Madry said. "This is yet another example of a jury sorting through a lot of misdirection and finding a just result."



Courtesy photos

Joaquin Madry, left, and Nicole Coates, right, of Slager Madry.

Slager Madry partner Nicole Coates added, "We are so proud to represent Mr. and Mrs. Griswold. Of course, we wish they never had to endure the stress of this trial, but we're gratified that the jury carefully considered the evidence, understood all the issues, and recognized the seriousness of Mr. Griswold's injuries. The verdict reflects this and stands as a powerful repudiation of the defendants' attacks on the Griswolds."

In 2016, the plaintiffs brought the lawsuit against Advanced Cardiovascular Specialists, Dr. Michael Logue and Joyce Gianelli.

When Griswold went to his appointment at ACS's office, he was asked to get onto an imaging table for a nuclear stress test, the complaint said. Griswold allegedly asked if the table could support his weight, and was told larger people had been on it in the past.

However, "while Mr. Griswold was still upon it, the table made a loud popping noise, and the head of the table fell to the floor with sudden force and violence," the complaint said. Griswold had to get medical and surgical treatment due to injuries to his back, neck and spine, the complaint said.

Madry said because the plaintiff had a prior back injury and was a big and tall 58-year-old man, proving causation was a challenge. "Ultimately, the jury found that the incident was a substantial factor in causing his need for the surgery," he said.

Counsel for the defendants, David Robertson and Keith Blumenstock of Heidell, Pittoni, Murphy & Bach, did not respond to a request for comment. The defendants argued in their special defenses that the plaintiffs' claims were time-barred.

Coates said they focused on presenting the facts in a straightforward way.

"We kept the case as clean as we could for them, and tried not to get lost in the weeds,"

Coates said. "We tried to make sure that we stayed on point for the jury, rather than be distracted by red herrings that were being used as excuses, rather than reasonable explanations.

In particular, Madry said their expert witness, a former spinal surgeon for the New York Yankees, "explained the injury really well to the jury. He was a star witness for us."

Madry said they filed a offer of judgment of \$2 million in 2016, but the defendants "basically ignored us up until the point of trial. They low-balled us when the trial started, and it wasn't until the jury was actually deliberating that they offer the \$2 million that we asked for back in 2016, and at that point, it was just too late."

In the future, Madry said he hopes defendants take offer of compromises filed early in the case seriously.

Madry said, "If it's something that is a fair and reasonable settlement amount, they should seriously consider it because a lot of times once that deadline of 30 days has passed ... there's no going back because of the cost associated with bringing a case like this."

Winning difficult cases is what we do," Madry added, "we thank the Griswold family for their confidence and trust in having us present their case to the jury, and for standing strong while they were unnecessarily demeaned and attacked by the defendants in this case.