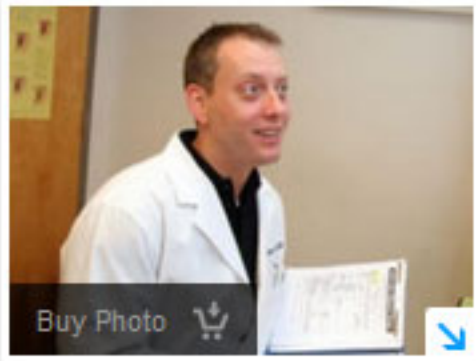


Nyack Hospital patient wins \$2.3M lawsuit

Jorge Fitz-Gibbon, jfitzgib@lohud.com 9:09 a.m. EDT August 4, 2014



(Photo: The Journal News)

NYACK – A Rockland County jury awarded \$2.3 million to a Valley Cottage man who claimed the head of orthopedic surgery at Nyack Hospital left a serious infection untreated, causing irreparable damage and constant pain.

The jury in the medical malpractice lawsuit, filed in 2011, found Dr. Jason Fond liable for the botched treatment of 52-year-old John Antonucci, who claimed in court papers that he was sent home on Oct. 1, 2010, although test results showed that he suffered from a serious and painful bacterial infection.

By the time he was rushed back to Nyack Hospital two days later, the infection had severely damaged his hip, forcing Antonucci to undergo a hip replacement procedure three months later.

"Doctors shouldn't take needless risks that endanger their patients by prematurely discharging them," Antonucci's attorney Evan Goldberg said Friday. "Patient safety requires that there be a follow-up on test results, especially when a misdiagnosis is likely to result in substantial injury."

Fond's lawyer, Tom Benvenuto, did not return a call seeking comment.

The jury reached the verdict Thursday after a three-week trial. The panel cleared Fond's associate, Dr. Barry Kraushaar, of any wrongdoing, but found Fond negligent in the malpractice case.

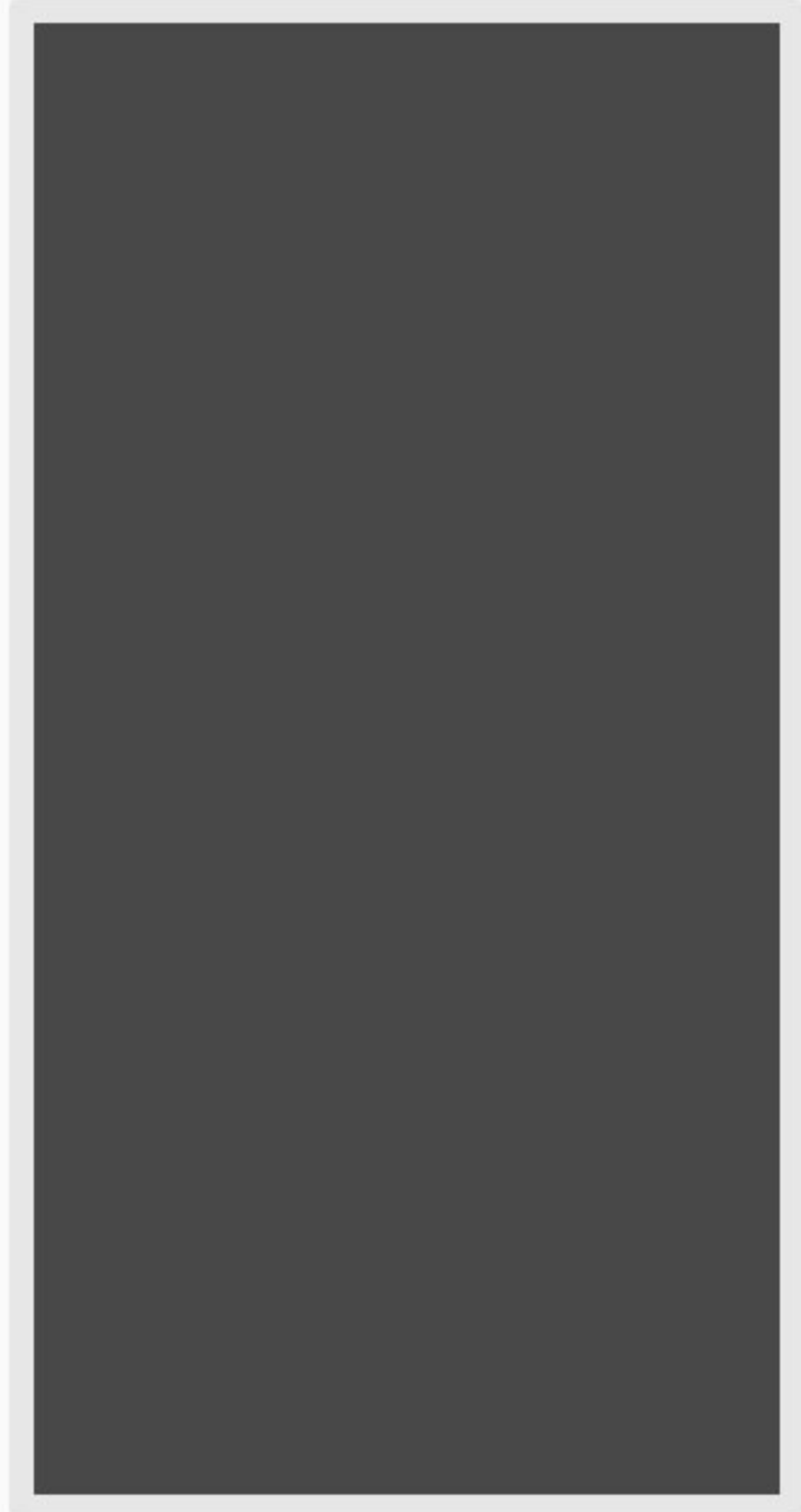
Antonucci had been sent to Hudson Valley Radiology Associates for an MRI. While there, he was given an injection that is believed to have caused the infection. Days later, on Sept. 29, 2010, Antonucci checked into Nyack Hospital and had a culture test done. On Oct. 1, after a 25-minute visit with Fond, Antonucci was released.

Goldberg, his attorney, said his client was released even though test results were available that showed Antonucci had a serious bacterial infection that required immediate treatment. Instead, it would be two more days before he was rushed back to the hospital at 5 a.m., having suffered irreparable damage.

"He is disabled from his work in construction and he is limited in almost all the activities he used to enjoy before," said Goldberg, who is president-elect of the New York State Trial Lawyers Association. "He was the guy everybody wanted to hang around with, and now he's not."

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Staff writer Jane Lerner contributed to this report.



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01:21

- 88
- 2
- 6
-
-
-
- 88
- 2
- 6
-
-
-