



**Myrtle Otis, wife of Harry Otis, deceased, Petitioner v.  
University Hospital, Respondent**

In this case, you are to consider the following legal standard:

- In a wrongful death lawsuit, the plaintiff must prove more likely than not that the death was caused by the defendant's negligence.

On the afternoon of October 10, 2016, at 10:00 A.M., Harry Otis suffered lower abdominal pain and fainted at home. His wife called the office of his gastroenterologist, Dr. Land, to inform Dr. Land of these symptoms. Dr. Land told Mrs. Otis to call an ambulance and have Mr. Otis transported to the University Hospital emergency room. Mr. Otis was transported to the emergency room and arrived at 10:25 A.M. The emergency room staff was informed by Mrs. Otis that Dr. Land said he would meet them in the emergency room. The emergency room staff did not take a history or examine Mr. Otis in the belief that Dr. Land was coming to the emergency room and would arrive shortly. Dr. Land did not respond to being paged by the emergency room staff at 10:30 A.M. and 10:40 A.M. because he was performing a procedure on another patient in the hospital's outpatient clinic.

Mr. Otis complained of increasing abdominal pain and asked to use a bedpan at 10:50 A.M. Soon after straining on the bedpan, Mr. Otis could not catch his breath. Dr. Land arrived in the emergency room at 10:55 A.M. and had just entered Mr. Otis' room when Mr. Otis went into cardiac arrest. Mr. Otis died 35 minutes after arriving at the hospital. The autopsy revealed that he died from a ruptured abdominal aneurysm which caused massive internal bleeding.

Mrs. Otis brought a wrongful death action against the hospital alleging negligence by the emergency room staff in not taking a history and in failing to physically examine Mr. Otis. Mrs. Otis' expert witness, Dr. John Baily, a cardiologist, testified that the inaction by the emergency room staff violated acceptable medical standards.

The hospital's expert witness, Dr. Candel, a thoracic surgeon, testified that someone in Mr. Otis' condition had a no better than even chance to survive, even had there been an immediate diagnosis of the aneurysm and emergency surgery.

**Writing assignment:** Based on the facts presented in this case, you are to write a one page opinion.

- A. Is Dr. Land at fault?
- B. Is the hospital at fault?
- C. Is there insufficient evidence to prove the wrongful death of Mr. Otis?

You must take a stand and defend your opinion, and be sure you use good writing composition skills.

Name \_\_\_\_\_ . Date \_\_\_\_\_



## Wrongful Death Lawsuit - Rubric

Items Evaluated	Points Possible					Points Allocated
	Superior	Excellent	Good	Fair	Poor	
Organization						
1. No longer than one page in length	5	4	3	2	1	
2. Introduction	5	4	3	2	1	
3. Body	5	4	3	2	1	
4. Conclusion	5	4	3	2	1	
Composition						
5. All words spelling correctly	5	4	3	2	1	
6. Used proper grammar	5	4	3	2	1	
7. Used proper punctuation	5	4	3	2	1	
8. Neat and legible (spacing, font, margins)	5	4	3	2	1	
Topic and Clarity						
9. Chose one outcome and supported decision by explaining why.	5	4	3	2	1	
10. Information clear and concise.	5	4	3	2	1	
TOTAL POINTS	50	40	30	20	10	

Comments: