

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MARY LOUISE GOEHRIG, : No. 99-01,265
Individually and as Executrix :
of the Estate of Jack Goehrig :
Plaintiff :
 :
 :
vs. : Civil Action - Law
 :
 :
SUSQUEHANNA HEALTH SYSTEM, :
THE WILLIAMSPORT HOSPITAL :
CAMPUS, DR. ROBERT SILBERG, :
DR. JAMES McCLAIN, DR. THOMAS :
CAMPANA, and DR. WILLIAM :
TODHUNTER, :
Defendants :

ORDER

AND NOW, this ____day of September 2003, the Court DENIES Defendant Susquehanna Health System and the Williamsport Hospital Campus' Motion for Summary Judgment. The Court believes there are genuine issues of fact, which make the entry of summary judgment inappropriate. The Court believes there is sufficient medical testimony in the record to establish both negligence and causation with respect to Donna Barto, R.R.T., an agent of this Defendant. The Court finds that the report of Steven Trabucco, R.R.T, sets forth the basis for negligence. Dr. Silberg's testimony and the reasonable inferences deducible therefrom show that Ms. Barto's cutting of the pilot balloon on decedent's endotracheal tube necessitated replacement of the tube. Specifically, the Court notes the following excerpts from Dr.

Silberg's deposition on August 22, 2000:

Q. When you made an observation of the air leak, did you determine what was the cause of the air leak?

A. Yes. In my assessment there was a part of the endotracheal tube that was missing - what we refer to as the pilot balloon.

Dep. Dr. Silberg, page 21, lines 5-12.

Q. Of what significance was it to you that the pilot balloon was missing?

A. The fact that the balloon was gone prevented an adequate seal of the endotracheal tube against the confines of the trachea or windpipe, so that there was ineffective ventilation and, essentially, air was escaping around this tube as opposed to entering the patient's lungs.

Id. at page 22, line 15 - page 23, line 1.

Q. And would that air escaping around the tube be directed to some other part of the body cavity, other than the lungs or would it be escaping outside of the lungs?

A. It would just escape back out through the oral cavity.

Q. What is it that you did after making this assessment?

A. Realizing the need to change this tube and also understanding that it would not be a simple direct laryngoscopy, I wanted to ensure that we would proceed in a

safe manner and in a controlled and planned technique in order to adequately exchange the breathing tube.

Id. at page 29, line 11-page 30, line 3.

Q. Did you make an independent medical judgment after assessing the patient that the tube needed to be replaced?

A. There was no doubt in my mind that it needed to be replaced.

Q. Was it an option to replace the pilot balloon that was missing?

A. No. That's not possible.

Q. The only possibility in order to address this situation was to remove the tube and replace it with another one?

A. Yes.

Id. at page 30, line 16-page 31, line 4.¹

Plaintiff's expert Dr. Rothfield opines in his expert report that the negligence of Dr. Silberg during the replacement of the endotracheal tube "increased the risk of

1 The Court finds that these excerpts make it clear that Dr. Silberg believed he had to replace the tube because the pilot balloon was missing. Additionally, the Court notes that Dr. Silberg's expert expressly states: "the pilot balloon was cut off Mr. Goehrig's endotracheal tube which caused the need to change the endotracheal tube." Report of John K. Stene, at p.3.

harm to Mr. Goehrig and were substantial contributing factors in causing his untimely death on September 26, 1998." Report of Dr. Rothfield, p.5.

In summary, the Court concludes there is medical evidence from which the jury could conclude that: (1) Ms. Barto was negligent in cutting the pilot balloon; (2) Cutting the pilot balloon caused a leak necessitating changing the endotracheal tube; and (3) the attempt to change the endotracheal tube was a substantial factor in causing Mr. Goehrig's death.

By The Court,

Kenneth D. Brown, Judge

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Work File