

Missouri Lawyers

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WEEKLY

■ \$1 MILLION VERDICT

Family wins suit for chef's post-surgery death

MEDICAL MALPRACTICE

■ **Venue:** St. Charles County Circuit Court

■ **Case Number/Date:** 1711-CC00796/Oct. 11, 2019

■ **Judge:** Michael Fagras

■ **Plaintiffs' Experts:** Dr. James F. Calland, University of Virginia, Charlottesville, Virginia (general surgery); Dr. Richard K. Serra, Durham, North Carolina (emergency medicine); Dr. Robert Mulliken, University of Chicago Medical Center, Chicago (emergency medicine); Brooke Liggett, Liggett Forensic Accounting & Economics, Springfield (accounting, damages, economics)
Defendants' Experts: Dr. Jeffrey Caterino, Ohio State University, Columbus, Ohio (emergency medicine); Dr. Gary Salzman, Kansas City (pulmonology, critical care, internal medicine); Dr. William J. Brady, University of Virginia, Charlottesville (emergency medicine); Dr. Abraham H. Dachman, Chicago (radiology)

■ **Last Pretrial Demand:** \$600,000

■ **Insurer:** Pro Assurance Specialty Insurance Company

■ **Caption:** Gregory Bonetti and Brigitte Bonetti v. Southwest Emergency Physicians of Memphis LLC and Peter McCarthy M.D.

■ **Plaintiffs' Attorneys:** Roger Johnson and Patrick Martucci, Johnson, Vorhees & Martucci, Joplin

■ **Defendants' Attorneys:** Joseph C. Blanton and Thomas W. Collins, Blanton, Nickell, Collins, Douglas & Hanschen, Sikeston; Bret A. Clark, Scharnhorst, Ast, Kennard, Griffin, Kansas City; Kim R. Luther, Luther & Associates, St. Louis

BY LAWRENCE DAVIDSON

Special to Missouri Lawyers Media

The family of a chef to celebrities and a U.S. president won \$1 million for his death after a post-operative emergency room visit.

Marcel Bonetti, 73, was head chef of the Pro Bass Shops in Springfield and then personal chef for the company's founder, Johnny Morris. Bonetti died in October 2016 after surgery for an umbilical hernia repair at Barnes St. Peter Hospital in Springfield.

A jury took three-and-a-half hours to reach its decision after a two-week trial. The panel found emergency room doctor Peter McCarthy and his employer Southwest Emergency Physicians of Memphis responsible for failure to treat Bonetti



Patrick Martucci

correctly for dehydration, which set off a chain of medical problems that ultimately killed him, said plaintiffs' lawyer Patrick Martucci of Johnson, Vorhees & Martucci in Joplin.

Had McCarthy ordered a CT scan, fluids and sought a surgical consultation in Bonetti's case, Martucci said, the doctor would have discovered Bonetti was experiencing early ischemia, which is decreased or blocked blood flow to the intestines caused by dehydration. Bonetti's wife and three adult children obtained a private autopsy.

Connecting the dots between surgery, subsequent emergency room and doctor's visits, a second surgery and death was the biggest challenge, Martucci said.

"[Bonetti's relatives] were assured there was nothing wrong," Martucci said. "They watched him decline before their very eyes."

The lead attorney for the defense, Joseph C. Blanton of Blanton, Nickell, Collins, Douglas & Hanschen in Sikeston, declined to comment.

Despite an uncomplicated surgery, Bonetti started going downhill and returned to the emergency room two days later with severe abdominal pain, nausea and increasing respiratory and heart rates, Martucci said.

McCarthy ordered an X-ray that showed what might have been a small bowel obstruction, but McCarthy determined it was an ileus, a common post-operative intestinal blockage. He prescribed



Roger Johnson

nausea medication and said to drink more fluids. McCarthy did not order blood work, consult a surgeon or investigate the reasons for Bonetti's higher heart rate, Martucci said.

Bonetti made an emergency trip to his surgeon's office two days later, in worse pain from a distended abdomen and shortness of breath. The surgeon on call in the office diagnosed him again with an ileus. Later the same day he went back to the emergency room with the same complaints and "unrelenting vomiting," according to a summary by the plaintiffs' attorneys.

On this trip, a CAT scan showed ischemia and a grossly enlarged stomach. Bonetti's stomach was intubated to drain its contents, but the tube ended up in his esophagus. By the time he went into emergency surgery, he suffered from sepsis. Despite a successful surgery to correct abdominal compartment syndrome, in which high pressure disrupts proper blood flow to the intestines, he died in the intensive care unit the same day.

Bonetti's children, Gregory and Brigitte, sued in 2017 in St. Charles County Circuit Court. Bonetti also leaves a wife, Corinne, 69.

Bonetti was a well-known chef throughout the country. Early in his career, he ran the kitchens for several Playboy Clubs. He also cooked for Kevin Costner, Tom Jones and former President Jimmy Carter.