

**BROWARD, August 11, 1983**

**“Appeal court upholds \$12.5 million award”  
by Helen Rojas and Larry Bernard**

**“Oh God almighty. It means my daughter has a chance to live.**

The largest medical malpractice award in South Florida history, \$12.47 million given to a semi-comatose 30-year-old Fort Lauderdale woman, has been upheld by state appeals court.

In a ruling released Wednesday, a three-member panel of the 4<sup>th</sup> District Court of Appeal in West Palm Beach declared Susan Von Stetina should receive every cent a Broward jury awarded her in March 1982. The injuries she suffered and her continuing pain deserve the amount, former Chief Judge Gavin Letts wrote in the panel’s 19-page ruling.

“It’s hard to imagine a more tragic scenario,” Letts wrote.

At the same time, however, the panel reduced the amount awarded to Miss Von Stetina’s lawyer from \$4.4 million to \$1.5 million.

The young woman, Letts said, has been condemned by hospital error to a “40-year life expectancy as a pathetic, half-blind, hopelessly bedridden, pain-racked incompetent who nevertheless can recognize people and respond to sounds, love and touch.”

Mary Von Stetina, the woman’s mother, broke into tears when told of the court’s decision.

“Oh God almighty,” Mrs. Von Stetina said. “It means my daughter has a chance to live.”

John Odem, manager of the Florida Patients Compensation Fund, said the case will be appealed to the state Supreme Court. Because the fund, which insurers doctors and hospitals against verdicts of more than \$100,000, already has posted a bond to cover the judgment, no extra money will be assessed to members, he said.

But Odem called the appeal verdict a blow to the medial community and to patient who now must absorb the cost of such “excessive” verdicts.

：“This is bad new to everybody,” Odem said. “We’ve been having excessive verdicts in Broward County and this is just taking it one step further.”

Miss Von Stetina has been in a coma since December 1980, after she entered Florida Medical Center in Lauderdale Lakes for treatment of injuries from an auto accident. It took nurses at the hospital 30 minutes to notice that Miss Von Stetina’s respirator had malfunctioned; the delay caused permanent brain damage.

An eye infection she contracted at the hospital also left her blind in one eye. Her parents have supported her in a nursing home while the case has been on appeal.

The Von Stetina case helped fuel a statewide physicians' revolt over medical malpractice insurance costs last summer. But while doctors and their lobbyists tried to convince state legislators this year to create laws that would limit malpractice awards and attorney's fees, no real changes were adopted.

In their ruling, the three judges on the Von Stetina case also decided that Broward Circuit Judge Robert Lance Andrews was correct when he declared it unconstitutional for the PCF to limit award payouts to only \$100,000 each year.

The panel also agreed with Andre's decision to award lawyer Sheldon Schlesinger attorney's fees, instead of taking them out of the patient's award.

But though Andrews gave Schlesinger \$4.4 million based on a 40 percent contingency fee, the appeals court reduced the sum to \$1.5 million. Schlesinger "is one of the outstanding practitioners in malpractice law, the panel said, but decided that \$1.5 million was a reasonable fee for his work.

According to state law, the fund also will have to pay that sum to Schlesinger. Schlesinger said he was "disappointed" by the court's decision to reduce his fee but delighted by their affirmation of the Von Stetina verdict.

The appellate opinion was issued with unusual speed, six months after the first briefs were filed in a decision that combined eight separate cases stemming from the Von Stetina incident. The case is expected to be heard soon by the State Supreme Court.

In the meantime, the money awarded to Miss Von Stetina remains tied up in court while the bills for her constant care at the nursing home mount. Her mother said she hopes the case will soon be over.

"I don't know if this is going to go on and on or stop here," she said. "At least she may live in dignity."