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Jury finds \$1.2 million in damages in verdict against Wichita doctor

By Tim Potter
The Wichita Eagle

A jury has found a Wichita doctor responsible for more than \$1.2 million in damages in a malpractice case.

After a trial that lasted about three weeks, the jury on June 11 reached its verdict against physician Brian DeBrot over his treatment of Barbara Mae Castleberry, who died in January 2009, a little over a year after she suffered a major stroke. In 2009, Castleberry's husband and adult children filed a lawsuit against DeBrot in Sedgwick County District Court.

According to written instructions the jurors were given to consider, the Castleberrys said that DeBrot "failed to follow standard of care" by, among other things, not ruling out the most dangerous condition – a stroke or a condition that can be a precursor to a stroke – when he treated Barbara Castleberry on two occasions in December 2007. Her family contended that DeBrot failed to properly evaluate and treat the woman after she said she was dizzy and had numbness and tingling in her hand and feet, blurred vision and other symptoms, according to jury instructions filed in court. Instead, DeBrot diagnosed Castleberry with carpal tunnel syndrome, a less serious condition.

DeBrot contended that his care was appropriate and that Castleberry's condition was consistent with carpal tunnel syndrome, the jury instructions said. He argued that her symptoms "were not suggestive of ... impending stroke," that the stroke she suffered was coincidental, "unrelated to the issues which caused her to see him," according to the defense, the jury instructions said.

One of DeBrot's attorneys, Steve Day, said that because it is an ongoing legal proceeding, "we do not feel it would be appropriate to comment at this point."

Although the verdict found a total of \$1,257,484.69 in damages, because of a state law that sets caps on certain kinds of damages, the damages will be reduced to \$907,484.69, or a reduction of \$350,000, according to a court document that spells out the amounts.

Statistics show that it's hard to win a malpractice case, and the verdict results are rare, said Larry Wall, a Wichita lawyer who along with attorney Tina Huntington brought the lawsuit on behalf of the Castleberrys.

Doug Castleberry, Barbara Castleberry's husband, said, "I felt like the jury was very attentive."

When Barbara Castleberry went to see DeBrot with her symptoms, she asked if they were signs that she was suffering a stroke, and he said they weren't, Wall said.

"He chose to guess instead of test," Wall said.

Doug Castleberry said, "I was sitting right there" when his wife asked DeBrot whether she was suffering a stroke. Barbara Castleberry suffered a stroke the day after she last saw DeBrot, Huntington said.

The Castleberrys were married more than 50 years. Doug Castleberry, 83, said his wife raised three children and worked as a secretary and with him in his real estate business.

"She was a giving person. ... She was everybody's friend," he said.

DeBrot was treating her while part of the Galichia Medical Group and now works in the emergency room at Galichia Heart Hospital, Wall said.

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