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State Supreme Court upholds \$907,000 malpractice verdict against Wichita doctor

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The Kansas Supreme Court has upheld a \$907,000 medical malpractice verdict for a family alleging that a Wichita doctor failed to recognize that their loved one was about to suffer a stroke.

The Supreme Court recently said in a news release that it was affirming a Sedgwick County District Court jury judgment in 2013 against physician Brian DeBrot for \$907,484.69.

Under the law, the family also is entitled to \$243,914.80 in interest accruing on that amount since the verdict, said Tina Huntington, one of the family's lawyers.

"The family is looking forward to finalizing this and moving on," Huntington said Wednesday. "It's been a long road."

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A lawyer for DeBrot couldn't be reached for comment.

The high court unanimously upheld the verdict against the doctor.

The verdict resulted from a 2009 lawsuit by the family of Barbara Mae Castleberry, 74, of Wichita.

Her family contended that DeBrot, her primary doctor, wrongly diagnosed her condition during two visits in December 2007.

DeBrot decided that Castleberry's symptoms were related to carpal tunnel syndrome, a common condition that involves numbness, pain or tingling in the arm or hand. According to the news release summarizing the Supreme Court's decision, Castleberry "suffered a debilitating stroke the day after her last appointment and died about a year later after she fell and sustained a serious head injury."

In challenging the the verdict, the doctor argued that the lower court "improperly instructed the jury on causation and the evidence required to prove it, failed to limit the expert testimony, and allowed the family's attorney to make inappropriate arguments to the jury," the statement said.

The Supreme Court rejected those arguments.

The Eagle reported in June 2013 that the jury found DeBrot liable for more than \$1.2 million in damages after a three-week trial.

Although the verdict found a total of \$1,257,484.69 in damages, because of a state law that restricts the amount of damages, it was reduced to \$907,484.69.

According to instructions for the jurors, the Castleberrys said that DeBrot "failed to follow standard of care" in not ruling out the most dangerous condition — a stroke or a condition that can lead to a stroke.

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 the jury instructions. DeBrot argued that his care was appropriate and that Castleberry's condition was consistent with carpal tunnel, 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."

In an interview with The Eagle after the jury's decision, Larry Wall, another lawyer for the family, said that when Castleberry asked DeBrot whether her symptoms were signs of a stroke, he said they weren't.

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

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