

 [Click to Print](#) or Select '**Print**' in your browser menu to print this document.

Page printed from: [Daily Report](#)

Jury Awards \$100K to Family of Jehovah's Witness Who Died After Refusing Blood Transfusion

Greg Land, Daily Report

February 19, 2016

A Fulton County jury awarded just over \$100,000 to the family of a woman who died after refusing to receive blood transfusions because of her beliefs as a Jehovah's Witness.

The verdict came after three weeks of trial and two days of deliberation.

An attorney for the plaintiffs had argued that the Atlanta Medical Center—which offers a bloodless medicine and surgery program for patients who wish to avoid "bank" blood or blood products—could have saved Miriam Anderson's life had it acted sooner in response to her bleeding 10 days after delivering a baby.

But, said Kenneth Connor of Augusta, jurors couldn't get around the fact that Anderson had refused to accept a blood transfusion despite knowing that her life was in peril.

"There was no question that she realized she was in dire straits," said Connor. But Anderson, he said, was faced with a "Hobson's choice: put her soul at risk or put her life at risk. And she was unwilling to forfeit her religious beliefs."

The hospital, he said, touts its bloodless medicine program but failed to provide the care Anderson needed to prevent her from having to make that choice.

Connor, whose team included Connor & Connor colleagues C. Caleb Connor and Camille Godwin and Atlanta solo Tracee Benzo, said he was gratified that the jury found for his client on one of 10 claims: negligent misrepresentation against the Atlanta Medical Center

Connor said the plaintiffs' team is considering its options regarding any post-trial motions regarding the verdict.

The Atlanta Medical Center was represented by Kevin Race, Brian Mathis and C. Elizabeth Stell of Insley & Race.

"We extend our deepest sympathies to the Anderson family," said Race in an emailed statement. "However, we strongly support the actions of the staff and physicians at Atlanta Medical Center who fought to save Ms. Anderson's life while also respecting her and her family's deeply held religious beliefs."

Weathington Firm partners Paul Weathington and Tracy Baker represented a co-defendant, emergency room doctor Mark Waterman, who was cleared of any liability.

"We think the jury got this right," said Baker. "This was a tough, unusual case, and the jury was very smart and attentive."

According to the attorneys and trial documents, Anderson, 27, gave birth to her second child in July 2011 in a normal, vaginal delivery at the Atlanta Medical Center and was discharged. Ten days later, she was experiencing vaginal bleeding and called 911. Emergency medical technicians responding wanted to take her to the hospital, but she declined. Later that day, Anderson again called 911 and was taken to the Atlanta Medical Center emergency room.

According to the defense portion of the pretrial order, Waterman examined her in the ER, determined she was experiencing "moderate at worst" bleeding and ordered intravenous fluids and an ultrasound test.

The ultrasound revealed that Anderson's uterus contained "retained products of conception": placental and other tissue following a delivery or termination of a pregnancy. In consultation with an obstetrician, Waterman admitted Anderson for a dilation and curettage to remove the tissue. Prior to the surgery, Anderson signed a Blood Product Consent Form upon which she "refused whole blood, major blood fractions, and all minor blood fractions except for albumin."

During the surgery, the defense account said that Anderson lost 2,500 cubic centimeters—or 2.6 quarts—of blood. (The average adult human body contains a little over 5½ quarts of blood, according to MedicineNet.com.)

Connor said the plaintiffs contended that Anderson had been bleeding heavily before she underwent surgery, and that much of her blood loss could have been prevented by taking her to surgery immediately.

"She was clearly bleeding in the emergency room; they commented about their inability to do an intravaginal exam because of her bleeding," said Connor. "The problem was that the records did not show how much she was losing; part of our complaint was that they weren't documenting that."

Anderson was taken to the intensive care unit, where she died the day after the surgery.

In 2013, Anderson's two children, through their fathers, and the executor of her estate, sued Tenet Healthsystem GB, Atlanta Medical Center's parent, and Waterman for medical malpractice. The suit also accused the hospital of ordinary negligence, negligence per se, negligent misrepresentation, fraud and punitive damages. A claim for violation of Georgia's Fair Business Practice Act was later added against the hospital, as was a punitive damage claim against Waterman.

Shortly before the trial began, a mediation at Henning Mediation and Arbitration Service before Thomas Tobin failed to resolve the suit, Connor said.

Trial began Jan. 25 before Superior Court Judge Kimberly Esmond Adams. Connor said jury selection was complicated by the negative reactions some potential panelists expressed toward Anderson's faith.

"There was really a striking amount of ill will expressed about Jehovah's Witnesses," said Connor. "That was a surprising finding, in terms of the breadth and depth of those feelings."

Connor said his team called three key experts to bolster their case: Aryeh Shander, the director of Englewood Hospital's Institute for Patient Blood Management and Bloodless Medicine in New Jersey; Arnold Friedman, the chairman of Mount Sinai Beth Israel Hospital's OB/GYN department in New York; and Debbie Travers, a nursing professor at the University of North Carolina who authored a book on how to triage a patient.

Baker said Waterman's team only called one expert: Sheryl Heron, a professor of emergency medicine at Emory University School of Medicine and an ER doctor at Grady Memorial Hospital.

"The plaintiffs did not have any emergency experts, so her testimony was key for our case," said Baker.

A key witness for the hospital was Krystal Ridings, a registered nurse at Northside Hospital, Baker said.

During closing arguments on Feb. 10, Connor said, he did not ask for any specific account of money damages.

The jury deliberated until the afternoon of Feb. 12, when it returned defense verdicts on all claims against both defendants except for the negligent misrepresentation claim against the hospital, and awarded \$101,261 in damages.

Both Connor and Baker were highly complimentary of opposing counsel and of Adams' handling of the expert-heavy case. They agreed that jurors laid most of the responsibility for Anderson's death on her decision to turn down a transfusion.

"At the end of the day, the jury obviously felt that she bore the responsibility for her own death," said Connor.

A website for Jehovah's Witnesses, jw.org, says members of the faith do not accept blood transfusions because, "Both the Old and New Testaments clearly command us to abstain from blood. (Genesis 9:4; Leviticus 17:10; Deuteronomy 12:23; Acts 15:28, 29)."

The site addresses "[common misconceptions](#)" about Jehovah's Witnesses and medical treatment.

Copyright 2016. ALM Media Properties, LLC. All rights reserved.