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Family wins tainted-blood suit

Providence Hospital to appeal \$5.6-million award in death of Southfield public safety director.

By James A. McClear / The Detroit News

The family of former Southfield Public Safety Director Rollin "Jerry" Tobin was awarded \$5.6 million Wednesday by an Oakland Circuit Court jury deliberating a wrongful death suit against Providence Hospital.

The verdict came after about five hours deliberation in the two week trial. The hospital was accused of giving Tobin tainted blood during hip replacement surgery in November 1993. Tobin died within 12 hours of the transfusion, during which his temperature soared to more than 109,

Although Tobin had donated three pints of his own blood to use during the surgery, the hospital ran short and used a pint of blood contaminated with Yersenia, an extremely rare bacteria. The blood was subsequently traced through the Red Cross to a Wisconsin donor.

Allegations against the hospital included failure to recognize the blood as tainted despite its discoloration. And there were no attempts to treat Tobin until four hours after he began showing signs of distress.

George A. Googasian, who represents the Tobin family, accused the hospital off trying to stonewall Tobin's widow, Janet, about its negligence in an effort to beat caps on medical malpractice lawsuits that went into effect April 1, 1994. Janet Tobin said she wasn't told about the tainted blood until March 30.

Both hospital attorney Jeremiah J. Kenney and Amy Middleton, a hospital spokeswoman, denied that the hospital tried to keep the truth from Janet Tobin. They will appeal the verdict.

"This was a very rare and extremely unavoidable situation," said Middleton. "We rely completely on the American Red Cross for all blood used for Mr. Tobin as well as for all our other patients."

While admitting that the blood was tainted, Kenny testified it would not have looked odd, and said it was impossible to screen for the rare bacteria. He also produced experts who testified that once the lethal blood was transfused, nothing could have been done to save Tobin.

Googasian's experts testified that the bad blood was identifiable and that Tobin would have been saved had antibiotics been administered immediately. But hospital records indicated that the prescribed antibiotics were not delivered to Tobin for more than four hours.

Beyond saying she was grateful, a tearful Janet Tobin declined comment.

Googasian said he also was overwhelmed by the verdict. "The jury just scrutinized the case and obviously, they felt we had a very strong case. They did the right thing."

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