

Court cases essay

[Business, Industries](#)



The media often exaggerates facts about court cases or lawsuits in order to sell newspapers, magazines, or increase their news ratings.

Some examples of this misrepresentation are in *Liebeck v. McDonalds*, *Haimes v. Temple University Hospital* and *Hart and Vandevender v. Sheetz*. In all three of these cases, the media reported what they thought would get the public interested.

Once all of the facts are revealed, it is clear to see the media misrepresented what actually occurred. Unfortunately, once these cases made it to trial, the facts were not reported by the media and therefore, the public remains in the dark on what actually occurred. This causes many others to attempt to sue and bring frivolous lawsuits against businesses. Although frivolous lawsuits are apparent in today's society, the *Haimes* and *Vandevender* cases were not actually frivolous, but rather cases of people or organizations behaving in a harmful manner.

HAIMES V. TEMPLE UNIVERSITY HOSPITAL AND HART WHAT ARE THE FACTS?

Judith Haimes was a professional psychic in Delaware who saw clients and also helped the local police department solve cold cases. One of her clients recommended she have a CT scan administered due to the fact that she had suffered from numerous tumors in the past. Mrs. Haimes went to Temple University Hospital for the CT scan and discussed her known allergies with her doctor. She informed Dr. Judith Hart she was allergic to the iodine dye that is usually administered to patients prior to the CT scan and had been cautioned to avoid iodine based dyes.

Although Haimés told the doctor of her allergies, Dr. Hart proceeded to inject her with iodine in small doses. Dr. Hart stated she would inject little amounts at a time and if something happened, she would stop the injection. The doctor also “ set up an intravenous line so that if a problem arose, drugs could be administered quickly” (Haimés v. Temple University, 1986, p. 4). When the first few drops were administered, there was not much of a reaction however, the doctor, after waiting a few minutes, administered more drops at which time Haimés began suffering from pain, vomiting, welts, and shortness of breath.

The doctor began the IV line to counteract the effects of the iodine allergy and then did not give Haimés anymore iodine and never administered the CT scan. Haimés was released from the hospital after a few hours and went home. She then suffered from major headaches for a few days and noticed that when she tried to focus and use her psychic abilities, the migraines came back. Haimés also suffered from welts and hives for a period of time after the incident occurred.

A malpractice lawsuit was then brought against the hospital and doctor. The lawsuit was for pain and suffering as well as loss of income due to her allergic reaction to the iodine dye. There were two trials that took place for this case, the first trial awarded Haimés \$986k in damages and interest which was seen as an excessive amount by the judge and Temple University Hospital. The second trial was then granted which reversed the original decision and led to Haimés receiving no award for damages. WHAT ARE THE

ISSUES? Dr. Hart failed to take into careful consideration Haimes' statement that she had previously had allergic reactions to iodine.

Although the doctor administered the iodine in slow doses, she should not have given Haimes any due to the fact that she was allergic. Furthermore, Dr. Hart created more negative health issues for Haimes that she would not have suffered from if she did not have the allergic reaction. In the second trial, the issue was whether or not the damages awarded in the first trial were excessive. Due to the fact that the prosecution failed to show expert testimony pertaining to the issue at hand, the amount of damages were excessive. Instead of having experts discuss the harmful effects of an allergic reaction to iodine, they had testimony from those who used Haimes' psychic abilities for personal or business reasons. "The expert witness is a powerful tool to aid the jury in its search for the truth, and like any tool, it may be subject to misuse in the hands of the unscrupulous" (Strickland & Read, 2008, p. 2).

WHAT LAWS APPLY? The laws that apply to this case are tort law in regard to medical malpractice and negligence. In a negligence case, the plaintiff must prove (i) that the defendant's conduct falls below the standard of care that a reasonably prudent person would have exercised under similar circumstances; (ii) that the defendant's conduct was the proximate cause of the wrong done to the plaintiff; and (iii) that the plaintiff suffered actual harm as a result of this wrong. (Strickland & Read, 2008, p. 70) Dr.

Hart knowingly administered the iodine dye that Haimes said she was allergic to, which caused Haimes pain and suffering. As a doctor, Hart should

have found something else to administer the CT scan or determined another way to check Haimes' health. " Medical malpractice law is a subset of personal injury law and its practice often overlaps with litigation law. This deals with claims when medical professionals provide care, or lack thereof, that leads to damages, injury or harm" (" Medical malpractice," 2012, para. 1). Medical malpractice is apparent in this case as Dr.

Hart clearly did not provide proper care for Mrs. Haimes. A doctor's job is to help patients; when a patient tells a doctor of an allergy it is their duty not to cause an allergic reaction that could hurt the patient. WHAT DID THE JUDGE AND JURY DECIDE? The case went to trial and the jury was directed at the end of all testimony given to ignore everything except evidence related to Haimes' injuries directly following the incident, as she did not give proof the iodine was what caused her headaches and loss of income. The jury quickly came back with a verdict of \$600k in damages plus interest, which totaled \$986k. The defendants, Temple University Hospital and Dr. Hart, moved to set aside the verdict and four months later a judge agreed stating the amount of punitive damages awarded to Haimes were grossly excessive. " The judge has the power to review the award and to adjust it downward to meet the dictates of justice: high enough for the defendant to feel the sting, but not so high as to bankrupt an entire industry" (Strickland & Read, 2008, p.

85). During the second trial, emphasis was placed on the plaintiff's psychic abilities and not on the issues pertaining to the malpractice suit. Many

witnesses were called but all of them discussed the plaintiff's prior work as a psychic. The only expert testimony was by Dr.

Borgota who testified on the reactions Haimes suffered immediately following the injection of iodine. However, " Dr. Borgota failed to establish a causal connection between the defendant's acts and the plaintiff's chronic headaches" (Haimes v. Temple University Hospital, 1986, p. 6).

In the end, the prosecution failed to bring substantial expert testimony and therefore, " no compensatory damages were awarded to Haimes"

(Schmerler, 2011, para. 3). DID THE JUDGE AND JURY MAKE THE APPROPRIATE DECISION BASED ON THE APPLICABLE LAWS CONTROLLING

THE CASE? WHY OR WHY NOT? " The standard set by the U. S. Supreme Court in Daubert v. Merrell Dow Pharmaceuticals requires trial judges to evaluate proffered expert testimony that purports to rely on science and to determine whether the testimony is, in fact, based on real science"

(Strickland & Read, 2008, p.

83). Although it was negligence on Dr. Hart's part to administer the iodine knowing Haimes was allergic, the plaintiff failed to provide expert testimony relating the iodine allergy to the permanent damage of no longer being able to use her psychic abilities to continue to work. Therefore, the final decision made by the judge was the appropriate decision. In a court of law, the plaintiff must provide expert testimony that defendants deviated from the standard of care which caused the injury, which Haimes did not provide.

However, if Haimes had provided expert testimony about the iodine dye and the short and long term effects of the dye when a person has an allergy to it, then she should have been awarded damages. If this was the case, Haimes should have received damages for her medical expenses and pain and suffering that arose from the negligence of Dr. Hart. WHAT ARE THE ETHICAL ISSUES IN THE CASES? DO THE ETHICAL ISSUES DIFFER FROM THE LEGAL ISSUES? IF SO, HOW? The ethical issue is the doctor administered iodine to a patient even after she was notified the patient was allergic.

Ethics are about doing the right thing and in this case, the doctor did not do the right thing. The ethical issues do not differ from the legal issues because ethically the doctor did not do the right thing but legally, she was negligent and brought the malpractice case upon herself. Although the final outcome awarded Haimes nothing for pain and suffering, the doctor was wrong in her actions.

As discussed in Kubasek, Brennan and Brown, ethics play a large part in court cases. When a person behaves unethically they should be prepared to suffer the consequences of those actions. VANDEVENDER V. SHEETZ WHAT ARE THE FACTS? In Vandevender v.

Sheetz, the facts are very different from the way it was portrayed in the media. Cheryl Vandevender was employed with Sheetz for almost two years when one day she was opening a pickle jar and hurt her back. However, prior to her employment with Sheetz she had undergone back surgery to correct the issues she was experiencing; the fact that she had a previous back condition was never mentioned in the media.

Ms. Vandevender continued to work for Sheetz and waited two weeks before consulting a doctor for her injuries. Seven months after her injury, Vandevender began receiving temporary total disability and two months later underwent surgery to correct the problem.

Almost a year after her surgery, Vandevender informed her employer she could return to work but was not able to do any heavy lifting. Sheetz informed Vandevender she could only return to work if she was feeling 100%. A termination letter was then mailed to her stating any employee who did not return to work for a year was considered to have resigned. A rehab counselor called Sheetz on Vandevender's behalf but to no avail.

Vandevender then brought a lawsuit against the company for “violating the state's workers' compensation law by firing her for a work-related injury and for refusing to rehire her because she had a disability” (Strickland & Read, 2008, p.

46), which violated the state anti-discrimination law. At trial, another manager (Karen Foltz) employed at Sheetz testified that although it is a requirement of employment that employees must be able to stand for eight hours and lift up to fifty pounds, this rule is not always enforced. That manager was terminated soon after her testimony, although it was not proven that her termination was directly related to her testimony.

Vandevender then attempted to get her job back after the manager testified those rules were not always enforced; Sheetz agreed to rehire her after she was cleared to return to work by a doctor. The doctor determined she was okay to return to work, but was not to lift more than fifteen pounds and

should periodically use a stool for standing. A month later, Vandevender returned to Sheetz to begin her shift, at which time the district manager requested she complete another medical exam. The manager claimed she did not see anything wrong with Vandevender and would therefore treat her as all other employees. The manager then requested Vandevender stock the cooler and although nothing was too heavy for her, within twenty minutes she began suffering from back spasms but was afraid to make anyone aware of it.

When Vandevender left work, she called her attorney who advised she not return to work again. “ The action against the company was then amended to include a claim that the company’s actions when the plaintiff attempted to return to work were in retaliation for her having filed a complaint” (Strickland & Read, 2008, p. 47). She also added Sheetz was in violation of her human rights as they failed to accommodate her due to her obvious injury.

Vandevender was awarded \$2, 999, 066. 00 in damages which included a punitive damages award as well as award for compensation and emotional distress. The case was later appealed to the Supreme Court of West Virginia, at which time the punitive and compensatory awards were decreased, leading Vandevender to receive a total of \$2, 526, 606. WHAT ARE THE ISSUES? The issues in this case are whether or not Sheetz terminated Vandevender due to her disability and whether when she was rehired, if they attempted to retaliate against her for bringing the initial case against the company.

Sheetz began to treat Vandevender poorly, with little to no regard for how she was feeling after she was hurt. When the case was appealed, the issue was whether Vandevender should receive the amount of damages the jury awarded her in the first trial. Although the amount of punitive and compensatory damages was decreased slightly, the Supreme Court Chief Justice, Spike Maynard, believed Vandevender deserved an award for damages due to Sheetz malicious behavior and retaliation towards Vandevender when she was rehired. WHAT LAWS APPLY? In the case of Vandevender v. Sheetz, the laws that applied were discrimination law under the West Virginia Human Rights Act and West Virginia Workers Compensation Act as well as employment law. Vandevender suffered from wrongful termination, mistreatment due to her disability and was retaliated against for her initial suit against Sheetz. Furthermore, Sheetz violated her rights under the West Virginia Human Rights Act by refusing to rehire her due to her disability.

In the appeal, the law that applied was West Virginia law in reference to punitive damages; what amount of punitive damages should apply based on the actions taken by Sheetz toward Vandevender in relation to the Due Process Clause of the Fourteenth Amendment. The West Virginia Human Rights Act specifically covers employment discrimination on the basis of race, religion or disability” (“ State law,” n.

d.). In this case, it appeared that Sheetz discriminated against Vandevender because of her disability and did not treat her appropriately when she was rehired. Wrongful termination is present in this case because the phrase

means a person is fired based on an organization or person discriminating against them for race, gender or sex to name a few. The way the district manager treated Vandevender when she returned to work, knowing of her back issues, also violated her human rights. No one, whether it is a man or woman, should be mistreated at their place of employment and it goes against the West Virginia Human Rights Act for a company to retaliate against an employee when they exercise their rights.

WHAT DID THE JUDGE AND JURY DECIDE? The trial for Vandevender v. Sheetz lasted three days after which time the jury awarded her \$2, 999, 066 for lost wages, medical expenses, emotional distress, and punitive damages. Sheetz requested the award be reduced though the judge did not agree. He determined the award was appropriate as Sheetz made a habit of terminating employees instead of following the workers' compensation laws of the state; they violate state public policy by rewarding managers with bonuses when they are able to reduce workers' compensation premiums. Furthermore, the judge punished Sheetz for refusing to settle the matter outside of court as well as for their conduct in pretending to rehire her when they clearly had no intentions of allowing her to return to work as normal. The case was then escalated to the Supreme Court of Appeals of West Virginia who later determined Sheetz acted with little regard to Vandevender's well-being but their behavior was not malicious.

Although punitive damages were expected in this case, the amount of damages awarded was excessive, as punitive damages compared to compensatory damages should not exceed a 5: 1 ratio. However, the way

Sheetz behaved towards Vandevender when she returned to work was seen as malicious and as retaliation toward Vandevender for filing suit against them. The final monetary award for damages was reduced overall by approximately \$600K, awarding Vandevender a little more than \$2.3 million. DID THE JUDGE AND JURY MAKE THE APPROPRIATE DECISION BASED ON THE APPLICABLE LAWS CONTROLLING THE CASE? WHY OR WHY NOT? An appropriate decision was made in this case by the judge and jury because the plaintiff brought sufficient evidence showing how Sheetz was in the wrong and acted unprofessionally and inappropriately towards her. Based on evidence from the trial, Sheetz made a habit of acting unethically towards their employees. Therefore, the judge determined the amount of punitive damages Vandevender received for retaliation was not excessive.

The reasoning for punitive damages is to punish the defendant in a way which will not permanently hinder their business but will cause them to reconsider acting in the same manner at a later date. However, the plaintiff failed to prove in court that Sheetz acted maliciously when refusing to rehire her which is why the amount of damages were lowered for this claim. Finally, the judge and jury took into consideration all aspects of the case and made an appropriate decision in the end. WHAT ARE THE ETHICAL ISSUES IN THE CASES? DO THE ETHICAL ISSUES DIFFER FROM THE LEGAL ISSUES? IF SO, HOW? The ethical issues in this case are different from the legal issues because the ethical issues are what subsequently led to the legal issues. After Vandevender was hurt while working at Sheetz, the company should have made a better attempt at treating her properly. The company terminated her after she healed from her back surgery, although she did

continue to work after the incident occurred as long as she was physically able.

Because she was obviously a valued employee before she was hurt, they should have accommodated her better. When she was rehired, the district manager did not take the doctors guidance into consideration and put unethical demands on Vandevender. The manager knew she was hurt and should have been more accommodating since the company agreed to rehire her. Due to these actions by Sheetz and its managers, the legal case was then brought against the company. BOTH OF THESE CASES HAVE BEEN DESCRIBED AS “ FRIVOLOUS” LAWSUITS. BASED ON YOUR RESEARCH WHAT DO YOU THINK? IS EITHER ONE OR BOTH OF THESE CASES FRIVOLOUS? Because frivolous lawsuits are so rare, they are considered newsworthy though they are not always frivolous. Cases are often deemed frivolous because of how the media portrays them as it sells newspapers and magazines. The case of Haimes v.

Temple University Hospital was perceived as frivolous because of the media’s portrayal however, once the facts of the case are known, it is obvious the doctor acted inappropriately and the malpractice lawsuit was substantiated. Most of the news articles on this case discuss Haimes and her psychic abilities as well as the initial award of almost \$1 million. However, the media outlets failed to report the final outcome of the case when it was appealed which resulted in Haimes not receiving an award for damages, not even compensation for medical bills.

The case of Vandevender v. Sheetz, Inc. was also portrayed in the media as a frivolous case as what was discussed was Vandevender hurt her back opening a pickle jar and was awarded \$3 million in damages. In actuality, she did not sue for hurting her back at work nor did she sue the pickle company, rather she sued Sheetz for the way they mistreated her after the incident which again was rarely mentioned so this case is not frivolous either.

An example of a frivolous lawsuit is the case Pearson v. Chung where a judge sued his dry cleaners for \$67 million when they lost a pair of his pants. This case is absurd and the perfect example of a frivolous lawsuit in recent history. Another example of a frivolous lawsuit is Roller v. David Copperfield Disappearing, Inc. In this case, Roller claimed he had godly powers which he patented and Copperfield was guilty of patent infringement. This case was dismissed for lack of evidence and again is a perfect example of a frivolous lawsuit.

REGARDLESS OF WHAT YOU THINK OF THE LAWSUITS, HOW COULD THE BUSINESS OWNERS HAVE PREVENTED THEM? WHAT ADVICE CAN YOU GIVE THEM FOR THE FUTURE? In the Haimés case, Temple University Hospital should have discussed with its doctors a hypothetical situation where if a patient comes in and mentions any type of allergy, the doctor will not under any circumstance do something that could cause an allergic reaction. When Judith Haimés told the doctor she was allergic to the iodine, the doctor should have figured out something different to use to administer the CT scan. The hospital could also hire a consulting firm with a history of helping

other hospitals with risk management and work towards getting an accreditation through the Joint Commission of the Accreditation of Healthcare Organizations (JACHO). The JACHO has set standards the hospital would be forced to follow which would help eliminate any malpractice cases. A consulting firm that can help with risk management can tell the hospital the areas they are weak in proper care and help them to improve. In the Vandevender case, Sheetz should have done a full “ capability” check when they first hired her which would have led to the company determining she was not fit to be employed there due to her previous back issues.

Based on research for this case, Sheetz has a statement in their employee guidelines that states an employee in that field must be able to stand for eight hours and lift fifty pounds. It is obvious Vandevender should have never been a manager at Sheetz because she should not have been standing for such a long period of time with a bad back, especially not multiple days a week. Because Sheetz did not do this check, it was their responsibility to compensate her since the most recent injury happened while on the job. In the future, Sheetz should have their employees sign a document that states they do not have any prior physical issues that have not been discussed.

Then, if something happens and Sheetz finds out the employee had a previous condition, they will not be held accountable since the employee signed the form. Employers should be aware of employee rights and act accordingly. If an employee then takes action against the organization, that organization should act professionally and discuss the issue with their attorneys instead of acting out towards the employee.