

## *Medical Malpractice Lawsuits in North Carolina, 1998–2005*

### **Academy Note:**

Proponents of caps on damages and other sharp limitations on the legal rights of injured patients base their claims for such measures on allegations of a medical liability system that is out of control—rife with an explosion of litigation and run-away juries.

Actual data from North Carolina court records tells a different story:

- The number of new medical negligence cases has remained level over a seven-year period;
- Only about 20 percent of jury verdicts are in favor of the plaintiff;
- North Carolinians are not filing increasing numbers of malpractice claims; and
- North Carolina juries continue to be conservative and reluctant to award large verdicts.

**Real data** from the state courts shows no basis for eroding the rights of injured patients. ■

In January 1998, the North Carolina Administrative Office of the Courts (AOC) began to compile data on all filings of medical malpractice lawsuits, and to record the date each case was resolved and whether the case went to trial. The North Carolina Academy of Trial Lawyers contacted county clerk of court offices to compile information on all cases in the database that the AOC indicated had gone to trial through December 31, 2005. By checking superior court case files, the Academy determined the outcome of the trial and the amount of the verdict.

The AOC data, supplemented by information from superior court files, provides a comprehensive picture of the incidence of malpractice lawsuits in North Carolina, the number and outcome of malpractice trials, and the size of jury awards. This report summarizes the key findings.

—North Carolina Academy of Trial Lawyers,  
April 2006

### **MEDICAL MALPRACTICE CASE FILINGS**

- From 1998 through 2005, North Carolinians filed an average of 611 medical malpractice lawsuits per year—a small fraction of the number of North Carolina patients harmed each year by medical mistakes (**Table 1**).
- From 1998 through 2005, the number of all civil case filings in North Carolina averaged 213,016 per year. The medical malpractice filings accounted for 0.3% of all civil cases.
- In 2005, North Carolinians filed 568 malpractice lawsuits—an 8% decrease from 2004, and a 12% decrease from 2003.
- While the number of malpractice suits has declined, the growth in the physician population in North Carolina continues to outpace the growth in total population. Between 1998 and 2004 (the last year with complete data), the total population in North Carolina grew by 9.5%, while the physician population increased by 14.6% (**Table 2**).

### **MEDICAL MALPRACTICE TRIALS**

- Of the 4,891 malpractice cases filed since 1998, 83% (4,056) had been resolved by January 1, 2006.
- Four percent (144) of the resolved cases went to verdict. The other 96% were settled, dismissed before or during trial, or otherwise resolved.
- Of the 144 cases that went to verdict, the plaintiff won 28 times—a 19.4% success rate. In the other 116 trials, the health care provider obtained a defense verdict (**Table 3**) (by date of disposition); (**Table 4**) (by county).

### **MEDICAL MALPRACTICE VERDICTS**

- In the 28 malpractice cases in which the plaintiff won at trial and obtained a verdict on damages, the median jury award was \$300,000.
- In the 28 cases in which damages were awarded, the verdict exceeded \$1 million only four times—twice in 2001, once in 2003, and once in 2004.
- In malpractice trials from July 1, 2004, through December 31, 2005, juries ruled for the defense 35 times and for the plaintiff three times. In the three cases in which the health care provider was found liable, the average jury award was \$143,333.

**Table 1**  
**Medical Malpractice Case Filings In North Carolina, 1998–2005**

Year	Civil Filings— Superior and District Courts	Medical Malpractice Filings	Percentage of All Civil Filings
1998	200,121	556	0.28%
1999	203,017	587	0.29%
2000	215,657	627	0.29%
2001	219,997	679	0.31%
2002	216,790	611	0.28%
2003	212,728	646	0.30%
2004	217,649	617	0.28%
2005	218,166	568	0.26%
Total	1,704,125	4,891	0.29%

Source: North Carolina Administrative Office of the Courts

**Table 2**  
**Growth in Total Population and Growth in Physician Population in North Carolina, 1998–2004**

Year	Total Population	% Change from Previous Year	Total Physician Population	% Change from Previous Year	# Physicians Per 10,000 Population
1998	7,797,501	N/A	15,135	N/A	19.4
1999	7,938,062	1.8%	15,470	2.2%	19.5
2000	8,049,313	1.4%	15,925	2.9%	19.8
2001	8,187,855	1.7%	16,392	2.9%	20.0
2002	8,336,829	1.8%	16,769	2.3%	20.1
2003	8,485,802	1.8%	17,090	1.9%	20.1
2004	8,562,210	0.9%	17,349	1.5%	20.3
Total Change 1998–2004	764,709	9.5%	2,214	14.6%	+0.9

Source: NC Health Professions Data System, Cecil G. Sheps Center for Health Services Research, UNC-Chapel Hill

**Table 3**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998,  
By Date of Disposition**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Bath v. Gihwala	1998CVS000285	Cleveland	1999-04-28	Defense	
Harris v. Dunn	1998CVS000572	Craven	1999-05-05	Defense	
Zelch v. Fleming	1998CVS000041	Watauga	1999-06-24	Plaintiff	160,000
O'Connor v. Mathews	1998CVS003637	Guilford	1999-08-16	Defense	
Flowers v. Horner	1998CVS008003	Mecklenburg	1999-09-01	Defense	
Gregorino v. Charlotte- Mecklenburg Hospital	1998CVS009367	Mecklenburg	1999-09-09	Plaintiff	1
Haynes v. Odell	1998CVS000286	Cleveland	1999-12-17	Defense	
Lynch v. Nalle Clinic Co.	1998CVS007686	Mecklenburg	2000-03-21	Plaintiff	164,000
Person v. Sturgis	1998CVS000190	Pitt	2000-04-17	Defense	
Blackburn v. Wilkes Regional Medical Ctr	1998CVS000383	Wilkes	2000-05-05	Defense	
Liborio v. King	1998CVS000677	New Hanover	2000-05-23	Defense	
Gillespie v. Tolhurst	1998CVS001097	Cleveland	2000-06-06	Defense	
Stress v. Ogron	1998CVS000121	Buncombe	2000-06-14	Defense	

Table 3 Continues

**Table 3 (Continued)**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998,**  
**By Date of Disposition**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Gibson v. Heath	1999CVS002702	Forsyth	2000-06-14	Defense	
Teal v. Theofrastous	1999CVS001116	Buncombe	2000-06-20	Defense	
Herbert v. Chappell	1998CVS001126	Orange	2000-09-11	Defense	
Johansen v. Reames	1998CVS018331	Mecklenburg	2000-09-13	Defense	
Coffman v. Roberson	1998CVS001264	Columbus	2000-10-24	Plaintiff	250,000
Roberson v. Cannon	1998CVS000043	Martin	2000-11-09	Plaintiff	5,750
Frye v. Frye Regional Medical Center	1998CVS002692	Catawba	2000-11-13	Plaintiff	592,950
Dendy v. Sutton	1998CVS005136	Gaston	2000-12-18	Defense	
Crotts v. Robinson/Davie Healthcare	1999CVS003945	Forsyth	2001-01-05	Plaintiff	302,600
Sessoms v. Gaskins <sup>a</sup>	1999CVS008814	Cumberland	2001-01-17	Plaintiff	4,500,000
Barnes v. Daly	1999CVS009225	Mecklenburg	2001-02-19	Plaintiff	8,100,000
Evans v. Rutherford Hospital, Inc.	1999CVS000804	Rutherford	2001-03-02	Defense	
Smith v. Carolina Manor Treatment Ctr	1999CVS001749	Robeson	2001-03-13	Plaintiff	300,000
Suarez v. Wotring	1998CVS003189	Catawba	2001-03-27	Defense	
Clark v. Savidge	1999CVS001284	Brunswick	2001-05-07	Defense	
Cruz-Segarra v. Presbyterian Hospital	1999CVS008065	Mecklenburg	2001-05-23	Defense	
Hudson v. Zeidan	1998CVS001318	Richmond	2001-07-11	Plaintiff	80,500
Constantino v. Cuellar	2000CVS000151	Yancey	2001-08-15	Defense	
Johnson v. Cates	2000CVS001162	Gaston	2001-08-29	Defense	
Taylor v. King Group, Inc.	1999CVS001958	Durham	2001-09-17	Defense	
McLeod v. Coastal Physician Services	2000CVS003904	Cumberland	2001-09-18	Defense	
Batchelor v. Boyette	1999CVS001395	Nash	2001-10-02	Defense	
Talton v. Maxwell	1998CVS001067	Henderson	2001-10-03	Defense	
Ford v. Tucker	1999CVS003239	Mecklenburg	2001-10-09	Defense	
Smith v. Stagg	2000CVS002539	Forsyth	2001-10-18	Defense	
Graham v. Nerney	1999CVS000026	Cherokee	2001-10-22	Defense	
North v. New Hanover Regional Medical Ctr	2000CVS000432	New Hanover	2001-10-22	Defense	
Jackson v. Garcia	2000CVS001632	Wayne	2001-10-30	Defense	
Foster v. Gerrard	2000CVS001318	Catawba	2001-12-20	Defense	
Collins v. Rodden <sup>b</sup>	1999CVS580	Jackson	2002-02-01	Plaintiff	—
Barham v. Hawk	2001CVS000072	Polk	2002-03-21	Defense	
McCourry v. Humble	2000CVS001531	Buncombe	2002-03-26	Defense	
Roberson v. Mountain Radiation	1999CVS001024	Buncombe	2002-04-01	Plaintiff	125,000
Stroud v. Boyd	2000CVS001307	Johnston	2002-04-11	Defense	
Middleton v. Eruchalu	2000CVS009003	Mecklenburg	2002-04-19	Defense	
Meraz v. Price	1999CVS002177	Catawba	2002-04-29	Defense	
Livingston v. Blackwell	2000CVS001753	Wilkes	2002-05-14	Plaintiff	841,500
Dixon v. Vance	2000CVS001687	Guilford	2002-05-20	Defense	
Wilson v. McDougal	1998CVS001224	Catawba	2002-06-05	Defense	
Cockrell v. Lemaire	2000CVS001190	Wilson	2002-06-11	Defense	
Freet v. Hicks	2000CVS012476	Mecklenburg	2002-07-08	Defense	

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Hoffman v. Watauga Medical Ctr	2000CVS000633	Watauga	2002-07-26	Defense	
Willie v. Esposito	2001CVS003854	New Hanover	2002-09-09	Defense	
Knight v. Temple	1999CVS001358	Edgecombe	2002-09-12	Defense	
Tutherow v. Kessel	2000CVS003562	Catawba	2002-09-26	Defense	
Remesi v. Bessent	2000CVS005449	Mecklenburg	2002-09-30	Defense	
Parker v. Demir	1999CVS000700	Jackson	2002-10-08	Defense	
Pitts v. Nash Day Hospital	2001CVS000066	Nash	2002-12-16	Defense	
Gill v. Benson	2001CVS23625	Mecklenburg	2003-01-14	Defense	
Finley v. Kittner	2001CVS001418	Buncombe	2003-01-24	Defense	
Mancour v. Durham Emergency Phys., PA	2000CVS000503	Durham	2003-02-11	Defense	
Jester v. McCumiff	2000CVS000820	Yadkin	2003-03-06	Defense	
Ledford v. Reilly	2001CVS002531	Buncombe	2003-03-13	Defense	
Sellars v. Wilmington Health Associates	2000CVS004122	New Hanover	2003-03-17	Defense	
Whittington v. Vyas and Eastern Carolina Medical Center	2001CVS002440	Johnston	2003-04-03	Defense	
Salisbury v. Summers	2001CVS000989	Moore	2003-04-21	Defense	
Hoke v. NC Health Care Archdale	2001CVS002510	Randolph	2003-05-05	Plaintiff	600,000
Mitchell v. Scotland Health Care Systems	2001CVS000401	Scotland	2003-06-13	Plaintiff	56,000
Sutphins v. Hardigree	2000CVS002566	Gaston	2003-06-17	Defense	
Bridges v. Stowe	2001CVS002628	Mecklenburg	2003-06-30	Defense	
Anderson v. Selden	2000CVS014762	Wake	2003-06-30	Defense	
Chaffin v. North Carolina Baptist Hospitals, Inc.	2002CVS001899	Forsyth	2003-07-03	Plaintiff	875,000
Howie v. Walsh	2000CVS013037	Mecklenburg	2003-07-17	Plaintiff	300,000
Skinner v. Furman <sup>a</sup>	2001CVS542	Watauga	2003-07-18	Defense	
Furr v. Lee	1999CVS001945	Cabarrus	2003-07-31	Defense	
Matthews v. Forsyth County	2001CVS009857	Forsyth	2003-08-05	Defense	
Thomas v. Wake Med	2001CVS001177	Johnston	2003-08-11	Defense	
Spell v. Longenecker	2001CVS009221	Guilford	2003-08-21	Plaintiff	176,000
Youngblood v. Lamboy	2001CVS000579	Cherokee	2003-08-22	Defense	
Strickland v. Menachem	2000CVS000891	Columbus	2003-08-25	Defense	
Huggins v. Thom	2002CVS003580	Cumberland	2003-10-02	Plaintiff	500,000
Miller v. Forsyth Memorial Hospital d/b/a Piedmont Medical Specialists	2002CVS5141	Forsyth	2003-10-06	Defense	
Spain v. Pitt Memorial Hospital	2000CVS000393	Pitt	2003-10-29	Plaintiff	2,375,000
Wilmoth v. Bolling	2002CVS005087	Forsyth	2003-11-07	Defense	
Carducci v. Hardcastle	2001CVS004238	Guilford	2003-11-07	Defense	
Newcome v. Towarnicky	2000CVS002016	Craven	2003-11-10	Defense	
Stull v. Wayne Memorial Hospital	2001CVS001944	Wayne	2003-11-10	Plaintiff	750,000
Taylor v. Whiewell	2002CVS000116	Wilson	2003-11-12	Defense	
Cutter v. Schupner	2001CVS002678	Wayne	2003-11-17	Defense	
Thomas v. Chandler	2000CVS008518	Mecklenburg	2004-02-19	Defense	

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Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Morgan v. Steiner	2001CVS001413	Richmond	2004-03-02	Defense	
Wilson v. Novik	2001CVS012783	Mecklenburg	2004-03-24	Defense	
Young v. Graystone	2002CVS002990	Catawba	2004-04-13	Plaintiff	800,000
Fincannon v. Lovin	2000CVS001655	Catawba	2004-04-21	Defense	
Gray v. Gammon	2002CVS000075	Cleveland	2004-05-10	Plaintiff	865,000
Johnson v. Jain	2002CVS003468	Wake	2004-05-11	Defense	
Alston v. Britthaven	2001CVS000724	Franklin	2004-05-14	Defense	
Tingle v. Paul	2001CVS002467	Craven	2004-05-17	Defense	
Price v. Brenton	2001CVS002565	Wayne	2004-05-24	Defense	
Cramer v. Fritz	2002CVS000140	Moore	2004-06-02	Defense	
Boykin v. Kim <sup>c</sup>	2003CVS001081	Cumberland	2004-06-03	Plaintiff	2,000,000
Henson v. Andrews	2002CVS018098	Mecklenburg	2004-06-22	Plaintiff	225,000
Tremble v. Kennerly	2002CVS000571	Buncombe	2004-06-24	Defense	
Pons v. Miller	2002CVS000202	Burke	2004-07-01	Defense	
Phillips v. Pastelas	2001CVS002228	Onslow	2004-08-18	Defense	
Stafford v. Holt	2003CVS000156	Chatham	2004-09-08	Defense	
Nelson v. Hunt	2002CVS001350	Caldwell	2004-09-20	Defense	
Elledge v. Bryan	2001CVS000817	Surry	2004-09-21	Defense	
Spence v. Lipsed	2003CVS000536	Cherokee	2004-10-14	Defense	
Squires v. Sandland	2001CVS000964	Columbus	2004-10-15	Defense	
Chamberlain v. Sherard	2003CVS000485	Lenoir	2004-10-26	Defense	
Schoolfield v. Jenkins	2003CVS000868	Rockingham	2004-11-24	Defense	
Stafford v. Knutson	2002CVS000636	Wayne	2004-12-02	Defense	
Hogsed v. Pikus	2002CVS004392	Buncombe	2004-12-14	Defense	
Parker v. Gardner	2002CVS002949	Gaston	2004-12-29	Defense	
Simmons v. Britthaven, Inc.	2003CVS001765	Johnston	2005-02-11	Plaintiff	140,000
Buchanan v. Sales	2002CVS003817	Gaston	2005-02-24	Defense	
McGwinn v. Arendale & Asheville Radiology	2002CVS003960	Buncombe	2005-03-15	Defense	
Hutchens v. Stambaugh	2001CVS003559	Davidson	2005-03-18	Defense	
Coffee v. Alamance Regional Medical Ctr.	2003CVS001152	Alamance	2005-05-02	Defense	
Jones v. Cathcard	2003CVS000928	Vance	2005-05-06	Defense	
McKinney v. Croom	2002CVS000759	McDowell	2005-05-10	Plaintiff	290,000
Powell v. Quigley	2002CVS016253	Wake	2005-05-10	Defense	
Ingalls v. Wilson	2001CVS000401	Orange	2005-05-19	Defense	
Reynolds v. Taavoni	2002CVS013311	Wake	2006-06-01	Defense	
May v. Armstrong	2002CVS017416	Mecklenburg	2005-06-16	Defense	
Lambeth v. Edrington	2003CVS002379	Wake	2005-07-06	Defense	
Pogue v. Sinning	2001CVS002310	Craven	2005-07-08	Defense	
Starling v. Kleinstauber & Smokey Mountain Healthcare Assoc.	2002CVS000293	Macon	2005-07-14	Defense	
Davis v. Pedraza	2003CVS000272	Wayne	2005-07-18	Defense	
Passmore v. Gaccione	2002CVS001170	Davidson	2005-08-08	Defense	
Strong v. Carolinas Medical Center	2003CVS019314	Mecklenburg	2005-08-17	Defense	
Donato v. Bruch	2003CVS001640	Durham	2005-10-12	Defense	
Yorke, Jr. v. McCaskill-Gainey	2004CVS004099	Forsyth	2005-10-19	Defense	

Table 3 Continues

**Table 3 (Continued)**  
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**By Date of Disposition**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Reid v. Charlotte-Mecklenburg Hospital Authority	2004CVS000805	Mecklenburg	2005-10-25	Defense	
Hughes v. Rivera-Ortiz	2004CVS001408	Mecklenburg	2005-10-31	Plaintiff	1
Matthews v. Moss	2003CVS000345	Sampson	2005-11-10	Defense	
O'Mara v. Wake Forest Univ. Health Sciences	2004CVS000298	Yadkin	2005-11-30	Defense	
Craft v. Atkins	2002CVS003166	Wayne	2005-12-15	Defense	
Stokes v. HP/Reidsville, Inc. <sup>d</sup>	2003CVS011836	Guilford	2005-12-19	Defense	
Lee v. Richardson	2003CVS000328	Bertie	2005-12-28	Defense	

<sup>a</sup>*Sessoms v. Gaskins* (Cumberland County, 1999 CVS 8814) and *Skinner v. Furman* (Watauga County, 2001 CVS 542) are erroneously categorized in the AOC database as "negligence-other."

<sup>b</sup>In *Collins v. Rodden* (Jackson County, 1999 CVS 580), the trial was bifurcated on liability and damages. The case settled for a confidential amount after a jury verdict for the plaintiff on liability.

<sup>c</sup>In *Boykin v. Kim* (Cumberland County, 2003 CVS 001081) a settlement with another party resulted in the defendant having to pay only \$500,000 of the \$2,000,000 verdict.

<sup>d</sup>*Stokes v. HP/Reidsville, Inc.* (Guilford County, 2003 CVS 011836): This nursing home case was not coded as a medical malpractice case by the AOC, even though the complaint included malpractice allegations.

*Note:* The original AOC dataset for 2004 contained two jury trials that were erroneously classified as medical malpractice cases. *Hughes v. Webster* (Cabarrus County, 2002 CVS 802) was a personal injury case, not a medical malpractice case. The plaintiff received a \$50,000 award. *Lindsey v. Millsaps* (Catawba County, 2001 CVS 2758) was a wrongful death and personal injury case related to drunk driving, not medical malpractice. The jury awarded \$266,000.

**Table 4**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998, By County**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Coffee v. Alamance Regional Medical Ctr.	2003CVS001152	Alamance	2005-05-02	Defense	
Lee v. Richardson	2003CVS000328	Bertie	2005-12-28	Defense	
Clark v. Savidge	1999CVS001284	Brunswick	2001-05-07	Defense	
Stress v. Ogron	1998CVS000121	Buncombe	2000-06-14	Defense	
Roberson v. Mountain Radiation	1999CVS001024	Buncombe	2002-04-01	Plaintiff	125,000
Teal v. Theofrastous	1999CVS001116	Buncombe	2000-06-20	Defense	
McCourry v. Humble	2000CVS001531	Buncombe	2002-03-26	Defense	
Finley v. Kittner	2001CVS001418	Buncombe	2003-01-24	Defense	
Ledford v. Reilly	2001CVS002531	Buncombe	2003-03-13	Defense	
Tremble v. Kennerly	2002CVS000571	Buncombe	2004-06-24	Defense	
McGwinn v. Arendale & Asheville Radiology	2002CVS003960	Buncombe	2005-03-15	Defense	
Hogsed v. Pikus	2002CVS004392	Buncombe	2004-12-14	Defense	
Pons v. Miller	2002CVS000202	Burke	2004-07-01	Defense	
Furr v. Lee	1999CVS001945	Cabarrus	2003-07-31	Defense	
Nelson v. Hunt	2002CVS001350	Caldwell	2004-09-20	Defense	
Wilson v. McDougal	1998CVS001224	Catawba	2002-06-05	Defense	
Frye v. Frye Regional Medical Center	1998CVS002692	Catawba	2000-11-13	Plaintiff	592,950
Suarez v. Wotring	1998CVS003189	Catawba	2001-03-27	Defense	
Meraz v. Price	1999CVS002177	Catawba	2002-04-29	Defense	
Foster v. Gerrard	2000CVS001318	Catawba	2001-12-20	Defense	

*Table 4 Continues*

**Table 4 (Continued)**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998, By County**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Fincannon v. Lovin	2000CVS001655	Catawba	2004-04-21	Defense	
Tutherow v. Kessel	2000CVS003562	Catawba	2002-09-26	Defense	
Young v. Graystone	2002CVS002990	Catawba	2004-04-13	Plaintiff	800,000
Stafford v. Holt	2003CVS000156	Chatham	2004-09-08	Defense	
Graham v. Nerney	1999CVS000026	Cherokee	2001-10-22	Defense	
Youngblood v. Lamboy	2001CVS000579	Cherokee	2003-08-22	Defense	
Spence v. Lipsed	2003CVS000536	Cherokee	2004-10-14	Defense	
Bath v. Gihwala	1998CVS000285	Cleveland	1999-04-28	Defense	
Haynes v. Odell	1998CVS000286	Cleveland	1999-12-17	Defense	
Gillespie v. Tolhurst	1998CVS001097	Cleveland	2000-06-06	Defense	
Gray v. Gammon	2002CVS000075	Cleveland	2004-05-10	Plaintiff	865,000
Coffman v. Roberson	1998CVS001264	Columbus	2000-10-24	Plaintiff	250,000
Strickland v. Menachem	2000CVS000891	Columbus	2003-08-25	Defense	
Squires v. Sandland	2001CVS000964	Columbus	2004-10-15	Defense	
Harris v. Dunn	1998CVS000572	Craven	1999-05-05	Defense	
Newcome v. Towarnicky	2000CVS002016	Craven	2003-11-10	Defense	
Pogue v. Sinning	2001CVS002310	Craven	2005-07-08	Defense	
Tingle v. Paul	2001CVS002467	Craven	2004-05-17	Defense	
Sessoms v. Gaskins *	1999CVS008814	Cumberland	2001-01-17	Plaintiff	4,500,000
McLeod v. Coastal Physician Services	2000CVS003904	Cumberland	2001-09-18	Defense	
Huggins v. Thom	2002CVS003580	Cumberland	2003-10-02	Plaintiff	500,000
Boykin v. Kim ***	2003CVS001081	Cumberland	2004-06-03	Plaintiff	2,000,000
Hutchens v. Stambaugh	2001CVS003559	Davidson	2005-03-18	Defense	
Passmore v. Gaccione	2002CVS001170	Davidson	2005-08-08	Defense	
Taylor v. King Group, Inc.	1999CVS001958	Durham	2001-09-17	Defense	
Mancour v. Durham Emergency Physicians, PA	2000CVS000503	Durham	2003-02-11	Defense	
Donato v. Bruch	2003CVS001640	Durham	2005-10-12	Defense	
Knight v. Temple	1999CVS001358	Edgecombe	2002-09-12	Defense	
Gibson v. Heath	1999CVS002702	Forsyth	2000-06-14	Defense	
Crotts v. Robinson/Davie Healthcare	1999CVS003945	Forsyth	2001-01-05	Plaintiff	302,600
Smith v. Stagg	2000CVS002539	Forsyth	2001-10-18	Defense	
Matthews v. Forsyth County	2001CVS009857	Forsyth	2003-08-05	Defense	
Chaffin v. NC Baptist Hospitals, Inc.	2002CVS001899	Forsyth	2003-07-03	Plaintiff	875,000
Wilmoth v. Bolling	2002CVS005087	Forsyth	2003-11-07	Defense	
Miller v. Forsyth Memorial Hospital d/b/a Piedmont Medical Specialists	2002CVS005141	Forsyth	2003-10-06	Defense	
Yorke, Jr. v. McCaskill-Gainey	2004CVS004099	Forsyth	2005-10-19	Defense	
Alston v. Britthaven	2001CVS000724	Franklin	2004-05-14	Defense	
Dendy v. Sutton	1998CVS005136	Gaston	2000-12-18	Defense	
Johnson v. Cates	2000CVS001162	Gaston	2001-08-29	Defense	
Sutphins v. Hardigree	2000CVS002566	Gaston	2003-06-17	Defense	
Parker v. Gardner	2002CVS002949	Gaston	2004-12-29	Defense	
Buchanan v. Sales	2002CVS003817	Gaston	2005-02-24	Defense	
O'Connor v. Mathews	1998CVS003637	Guilford	1999-08-16	Defense	
Dixon v. Vance	2000CVS001687	Guilford	2002-05-20	Defense	
Carducci v. Hardcastle	2001CVS004238	Guilford	2003-11-07	Defense	

Table 4 Continues

**Table 4 (Continued)**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998, By County**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Spell v. Longenecker	2001CVS009221	Guilford	2003-08-21	Plaintiff	176,000
Stokes v. HP/Reidsville, Inc.****	2003CVS011836	Guilford	2005-12-19	Defense	
Talton v. Maxwell	1998CVS001067	Henderson	2001-10-03	Defense	
Parker v. Demir	1999CVS000700	Jackson	2002-10-08	Defense	
Collins v. Rodden**	2000CVS000580	Jackson	2002-02-01	Plaintiff	—
Stroud v. Boyd	2000CVS001307	Johnston	2002-04-11	Defense	
Thomas v. Wake Med	2001CVS001177	Johnston	2003-08-11	Defense	
Whittington v. Vyas and Eastern Carolina Medical Center	2001CVS002440	Johnston	2003-04-03	Defense	
Simmons v. Britthaven, Inc.	2003CVS001765	Johnston	2005-02-11	Plaintiff	140,000
Chamberlain v. Sherard	2003CVS000485	Lenoir	2004-10-26	Defense	
Starling v. Kleinstauber & Smokey Mountain Healthcare Assoc.	2002CVS000293	Macon	2005-07-14	Defense	
Roberson v. Cannon	1998CVS000043	Martin	2000-11-09	Plaintiff	5,750
McKinney v. Croom	2002CVS000759	McDowell	2005-05-10	Plaintiff	290,000
Lynch v. Nalle Clinic Co.	1998CVS007686	Mecklenburg	2000-03-21	Plaintiff	164,000
Flowers v. Horner	1998CVS008003	Mecklenburg	1999-09-01	Defense	
Gregorino v. Charlotte- Mecklenburg Hospital	1998CVS009367	Mecklenburg	1999-09-09	Plaintiff	1
Johansen v. Reames	1998CVS018331	Mecklenburg	2000-09-13	Defense	
Ford v. Tucker	1999CVS003239	Mecklenburg	2001-10-09	Defense	
Cruz-Segarra v. Presbyterian Hospital	1999CVS008065	Mecklenburg	2001-05-23	Defense	
Barnes v. Daly	1999CVS009225	Mecklenburg	2001-02-19	Plaintiff	8,100,000
Remesi v. Bessent	2000CVS005449	Mecklenburg	2002-09-30	Defense	
Thomas v. Chandler	2000CVS008518	Mecklenburg	2004-02-19	Defense	
Middleton v. Eruchalu	2000CVS009003	Mecklenburg	2002-04-19	Defense	
Freet v. Hicks	2000CVS012476	Mecklenburg	2002-07-08	Defense	
Howie v. Walsh	2000CVS013037	Mecklenburg	2003-07-17	Plaintiff	300,000
Bridges v. Stowe	2001CVS002628	Mecklenburg	2003-06-30	Defense	
Wilson v. Novik	2001CVS012783	Mecklenburg	2004-03-24	Defense	
Gill v. Benson	2001CVS023625	Mecklenburg	2003-01-14	Defense	
May v. Armstrong	2002CVS017416	Mecklenburg	2005-06-16	Defense	
Henson v. Andrews	2002CVS018098	Mecklenburg	2004-06-22	Plaintiff	225,000
Strong v. Carolinas Medical Center	2003CVS019314	Mecklenburg	2005-08-17	Defense	
Reid v. Charlotte-Mecklenburg Hospital Authority	2004CVS000805	Mecklenburg	2005-10-25	Defense	
Hughes v. Rivera-Ortiz	2004CVS001408	Mecklenburg	2005-10-31	Plaintiff	1
Salisbury v. Summers	2001CVS000989	Moore	2003-04-21	Defense	
Cramer v. Fritz	2002CVS000140	Moore	2004-06-02	Defense	
Batchelor v. Boyette	1999CVS001395	Nash	2001-10-02	Defense	
Pitts v. Nash Day Hospital	2001CVS000066	Nash	2002-12-16	Defense	
Liborio v. King	1998CVS000677	New Hanover	2000-05-23	Defense	
North v. New Hanover Regional Medical Ctr	2000CVS000432	New Hanover	2001-10-22	Defense	
Sellars v. Wilmington Health Associates	2000CVS004122	New Hanover	2003-03-17	Defense	
Willie v. Esposito	2001CVS003854	New Hanover	2002-09-09	Defense	
Phillips v. Pastelas	2001CVS002228	Onslow	2004-08-18	Defense	
Herbert v. Chappell	1998CVS001126	Orange	2000-09-11	Defense	

Table 4 Continues

**Table 4 (Continued)**  
**Results of Trials to Verdict of Medical Malpractice Cases Filed in North Carolina Since January 1, 1998, By County**

Case Name	Case Number	County	Case Disposition Date	Result	Amount of Verdict
Ingalls v. Wilson	2001CVS000401	Orange	2005-05-19	Defense	
Person v. Sturgis	1998CVS000190	Pitt	2000-04-17	Defense	
Spain v. Pitt Memorial Hospital	2000CVS000393	Pitt	2003-10-29	Plaintiff	2,375,000
Barham v. Hawk	2001CVS000072	Polk	2002-03-21	Defense	
Hoke v. NC Health Care Archdale	2001CVS002510	Randolph	2003-05-05	Plaintiff	600,000
Hudson v. Zeidan	1998CVS001318	Richmond	2001-07-11	Plaintiff	80,500
Morgan v. Steiner	2001CVS001413	Richmond	2004-03-02	Defense	
Smith v. Carolina Manor Treatment Ctr	1999CVS001749	Robeson	2001-03-13	Plaintiff	300,000
Schoolfield v. Jenkins	2003CVS000868	Rockingham	2004-11-24	Defense	
Evans v. Rutherford Hospital, Inc.	1999CVS000804	Rutherford	2001-03-02	Defense	
Matthews v. Moss	2003CVS000345	Sampson	2005-11-10	Defense	
Mitchell v. Scotland Health Care Systems	2001CVS000401	Scotland	2003-06-13	Plaintiff	56,000
Elledge v. Bryan	2001CVS000817	Surry	2004-09-21	Defense	
Jones v. Cathcart	2003CVS000928	Vance	2005-05-06	Defense	
Anderson v. Selden	2000CVS014762	Wake	2003-06-30	Defense	
Johnson v. Jain	2002CVS003468	Wake	2004-05-11	Defense	
Powell v. Quigley	2002CVS016253	Wake	2005-05-10	Defense	
Reynolds v. Taavoni	2002CVS013311	Wake	2005-06-01	Defense	
Lambeth v. Edrington	2003CVS002379	Wake	2005-07-06	Defense	
Zelch v. Fleming	1998CVS000041	Watauga	1999-06-24	Plaintiff	160,000
Hoffman v. Watauga Medical Ctr.	2000CVS000633	Watauga	2002-07-26	Defense	
Skinner v. Furman*	2001CVS000542	Watauga	2003-07-18	Defense	
Jackson v. Garcia	2000CVS001632	Wayne	2001-10-30	Defense	
Stull v. Wayne Memorial Hospital	2001CVS001944	Wayne	2003-11-10	Plaintiff	750,000
Price v. Brenton	2001CVS002565	Wayne	2004-05-24	Defense	
Cutter v. Schupner	2001CVS002678	Wayne	2003-11-17	Defense	
Stafford v. Knutson	2002CVS000636	Wayne	2004-12-02	Defense	
Craft v. Atkins	2002CVS003166	Wayne	2005-12-15	Defense	
Davis v. Pedraza	2003CVS000272	Wayne	2005-07-18	Defense	
Blackburn v. Wilkes Regional Medical Ctr	1998CVS000383	Wilkes	2000-05-05	Defense	
Livingston v. Blackwell	2000CVS001753	Wilkes	2002-05-14	Plaintiff	841,500
Cockrell v. Lemaire	2000CVS001190	Wilson	2002-06-11	Defense	
Taylor v. Whiewell	2002CVS000116	Wilson	2003-11-12	Defense	
Jester v. McCummiff	2000CVS000820	Yadkin	2003-03-06	Defense	
O'Mara v. Wake Forest Univ. Health Sciences	2004CVS000298	Yadkin	2005-11-30	Defense	
Constantino v. Cuellar	2000CVS000151	Yancey	2001-08-15	Defense	

<sup>a</sup> *Sessoms v. Gaskins* (Cumberland County, 1999 CVS 8814) and *Skinner v. Furman* (Watauga County, 2001 CVS 542) are erroneously categorized in the AOC database as "negligence-other."

<sup>b</sup> In *Collins v. Rodden* (Jackson County, 1999 CVS 580), the trial was bifurcated on liability and damages. The case settled for a confidential amount after a jury verdict for the plaintiff on liability.

<sup>c</sup> In *Boykin v. Kim* (Cumberland County, 2003 CVS 001081) a settlement with another party resulted in the defendant having to pay only \$500,000 of the \$2,000,000 verdict.

<sup>d</sup> *Stokes v. HP/Reidsville, Inc.* (Guilford County, 2003 CVS 011836): This nursing home case was not coded as a medical malpractice case by the AOC, even though the complaint included malpractice allegations.

*Note:* The original AOC dataset for 2004 contained two jury trials that were erroneously classified as medical malpractice cases. *Hughes v. Webster* (Cabarrus County, 2002 CVS 802) was a personal injury case, not a medical malpractice case. The plaintiff received a \$50,000 award. *Lindsey v. Millsaps* (Catawba County, 2001 CVS 2758) was a wrongful death and personal injury case related to drunk driving, not medical malpractice. The jury awarded \$266,000.