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JURY AWARDS FAMILY AFTER MAN'S DEATH

Hospital, Nurse Found Responsible

By Ashley Cook - Staff writer

An Angelina County jury on Thursday awarded \$1.5 million to the family of a 33-year old man who lapsed into a coma and died at an East Texas hospital.

Sterling Denson checked in to Livingston's Memorial Hospital on Jan. 8, 2003, for arthroscopic knee surgery to repair a torn ligament. By the next night he had stopped breathing. A month later he died at a Lufkin hospital, according to court records.

One of his nurses, Jason Case, a former LVN at Livingston, was assigned to monitor Denson the night after his surgery.

What happened next was the subject of debate in the two-week trial. The Plaintiffs alleged Denson was overmedicated with both morphine and OxyContin - a procedure called "duplicate therapy" - and then left alone for hours, sending him into a vital signs crash from which he never recovered.

Another nurse testified she saw Case sleeping, and watching DVD movies on his laptop computer while writing in charts. Case in a statement included in court records admitted he often watched movies at work while making charts, but denied he slept. He also admitted to failing to document nursing procedures.

In the witness statement, one nurse said she walked by and found Denson in breathing distress, foaming at the mouth. She went to find Case to ask if Denson had a "DNR" or "do not resuscitate," order on file.

"What?" he said, pulling an earphone out of his ear," as she confronted him at the nurse's desk, the witness described in her statement.

Other documents show Case was caught on hospital video surveillance tape, breaking rules by spending time on another nurse's station computer while on the job.

Other evidence presented included a mysteriously missing pill supposed to have been given to Denson, but never documented. Also missing were hospital computer records from an overnight automatic medicine dispenser.

Some family members seemed relieved at the verdict, while others appeared disappointed. In earlier discussions, the family had been seeking some numbers passing \$3.5 million, according to one source. Jurors took nearly eight hours to reach their verdict.

Some settlements came in before the verdict, including one with Denson's doctor, George DeLoach.

Phil Pfeifer of Houston and Reich Chandler of Lufkin were the lead attorneys for Denson's family members. Speaking on their behalf, Pfeifer expressed what he described as a "heartfelt thanks" to the jury. The family hoped the hospital would look at its procedures, making sure something like Denson's death wasn't repeated, he said.

"Justice has been done in a very tragic situation," Pfeifer said.

Defense attorney Curry Cooksey of The Woodlands represented the hospital and nursing staff members.

"It's a tragic case," Cooksey said, describing the main problem as "lack of documentation."

Changes were already in place to ensure nurses were in fully documenting cases in Livingston, according to Cooksey. A constant problem was the conflict in demand for patient care versus paperwork time, he said.

Case is no longer employed in the Livingston hospital, and hasn't been for some time, Cooksey said. The LVN is now working in another hospital near Houston, he said.

The jury found the Livingston hospital 50 percent responsible for Denson's death. Case was found 30 percent responsible, with DeLoach given the remainder of the responsibility.

Three other hospital workers named in the suit were exonerated from responsibility.

Denson leaves behind a wife, two small children and his mother and father.

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