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LOCAL

\$2.4 million verdict in child's death

Boy, 2, died after ingesting methadone

By ERIC VELASCO
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A Jefferson County jury has awarded \$2.4 million from an emergency physicians group to the mother of a 2-year-old child who died in 2007 after ingesting

methadone.

The suit, filed in 2007 on behalf of Adrian Christian, contended an emergency-room doctor employed by Premier Medical PC failed to take the proper steps to ensure Adrian had not overdosed when he was brought

to the emergency room at Medical Center East on May 19, 2007.

After a one-week trial, the jury ruled in favor of the mother, Latoya Gaines, and returned the punitive-damage award on Friday in the courtroom of Circuit Judge Nicole "Nikki" Still.

Alabama law allows only

punitive damages, not compensatory awards, in wrongful death cases, said David Marsh, Gaines' lawyer.

Marsh said his client did not claim that Premiere's doctor, Dennis Malcolm Jones, acted intentionally or wantonly in Adrian's death.

"It is a situation that was tragic," Marsh said. "This

case was very difficult at a lot of levels for both sides. There were good people on both sides in the case."

Adrian was spending the night with his aunt and uncle, Walter and Christine Gaines, when the couple became concerned the child had taken a 5 mg tablet of the synthetic narcotic meth-

adone, court records show.

The aunt was taking the medicine for chronic pain from sickle cell anemia, Marsh said.

The couple took Adrian to the emergency room, where nurses and Jones monitored the child and his vital signs

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for several hours before releasing him about 2:30 a.m. court records show.

But Adrian was back at the hospital at 6 a.m., after he was found not breathing. He was pronounced dead at 6:30 a.m.

Marsh contended the emergency room group should have kept Adrian longer and performed more definitive tests such as a drug screen before making

the decision whether to release him.

Randy Sellers, who represented Premier, said his client was disappointed by the verdict.

Jones acted as he was trained to do during the four hours he spent monitoring a patient presented as having possibly ingested metha-

done, he said in a statement.

"At the time the child was allowed to go home there were no signs or symptoms to suggest that the child did indeed take the methadone," Sellers said.

"Later on, the child did develop problems associated with methadone," he

said. "But the timing and nature of these symptoms were quite unusual and could not be anticipated by the physician."

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