



## P.A. failed to appreciate warning signs of heart attack: lawsuit

**Type:** Settlement

**Amount:** \$3,250,000

**State:** New York

**Venue:** New York County

**Court:** New York Supreme, NY

**Injury Type(s):**

- *chest*
- *other* - death; conscious pain and suffering
- *cardiac* - heart; cardiac arrest; myocardial infarction

**Case Type:**

- *Wrongful Death*
- *Medical Malpractice* - Cardiac Care; Failure to Refer; Delayed Treatment; Negligent Treatment; Physician's Assistant
- *Worker/Workplace Negligence* - Negligent Supervision

**Case Name:** Candra V. Morris, as Administrator of the Estate of Michael P. Morris, Deceased v. Louis Joseph Morledge, M.D., Morledge Medical Services, PLLC, and Ashley Biondo, PA, No. 805344/2019

**Date:** July 25, 2023

**Plaintiff(s):**

- Estate of Michael P. Morris, (Male, 48 Years)

**Plaintiff Attorney(s):**

- Dawn M. Pinnisi; Varcadipane & Pinnisi, P.C.; New York NY for Estate of Michael P. Morris

**Plaintiff Expert (s):**

- Kristin K. Kucsma M.A.; Economics; Livingston, NJ called by: Dawn M. Pinnisi

**Defendant(s):**

- Ashley Biondo P.A.
- Louis Joseph Morledge M.D.
- Morledge Medical Services PLLC

**Defense  
Attorney(s):**

- Louis E. Jakub Jr.; Garson & Jakub LLP; New York, NY for Louis Joseph Morledge M.D., Morledge Medical Services PLLC, Ashley Biondo P.A.

**Insurers:**

- MLMIC Insurance Co.

**Facts:**

On June 7, 2019, plaintiff's decedent Michael Morris, 48, an exchange business manager, presented to his primary medical care office, Morledge Medical, with complaints of chest pain. Physician Assistant Ashley Biondo saw the patient and performed an electrocardiogram. She concluded that there were no acute issues with Morris' heart and sent him home.

Two days later, Morris suffered a heart attack. He died several days later.

Morris' widow, Candra Morris, acting as the administrator of her late husband's estate, sued Biondo; the operator of the medical office, Morledge Medical Services PLLC; and Biondo's supervisor, Dr. Louis Morledge. Candra Morris alleged that Biondo was negligent in the care and treatment of Michael Morris, that Dr. Morledge failed to supervise the physician assistant and that Morledge Medical was vicariously liable for the actions of Biondo and Morledge.

Plaintiff's counsel argued that Michael Morris had signs of an impending cardiac event on June 7, 2019, which included complaints of chest pain and the feeling that something was "sitting on his entire chest." Counsel argued that Biondo should have recognized the symptoms and sent Morris to a hospital for immediate treatment. Plaintiff's counsel further argued that Morledge violated New York State laws by failing to appropriately supervise Biondo. Counsel contended that as a result, Biondo acted on her own and did not consult with Morledge before sending Morris home.

Defense counsel denied the allegations, arguing that Biondo met the standard of care and that Morledge agreed with Biondo's decision to let Morris go home.

**Injury:**

Morris suffered a heart attack on June 9, 2019. He was taken by ambulance to a hospital, where he underwent bypass surgery. Morris initially survived the procedure, but he suffered a second cardiac event that led to his death on June 11, 2019. He left behind his wife and two minor children.

Plaintiff's counsel contended that the second cardiac event occurred because Morris' heart was too weak from the initial heart attack. Counsel argued that if Morris had gone to the hospital on June 7, 2019, Morris could have undergone the bypass surgery before his heart muscle was damaged and he would have survived the ordeal.

Morris' family claimed that Morris was working for a large financial and media company at the time of his death. They also claimed that he was the sole breadwinner for his family.

Morris' estate sought recovery of damages for the decedent's conscious pain and suffering from June 7, 2019, to June 11, 2019. The estate also sought recovery of \$8,920,194 in pecuniary damages, which included lost wages, health insurance, household services, and parental nurturing and guidance. The estate further sought recovery of \$10,952 in funeral expenses, \$4,685 in cemetery expenses and \$1,655 in memorial expenses.

**Result:**

The parties negotiated a pretrial settlement. The defendants' insurer agreed to pay \$3.25 million from a policy that provided \$3.3 million of coverage.

From the settlement amount, \$524,942.01 will go to plaintiff's counsel, \$225,000 will go toward an ERISA lien and \$783,997.99 will go to Candra Morris. The remaining portion of the settlement will be sent to a life insurance company to fund annuities. The insurer will receive \$877,010 for Candra Morris' annuity, \$482,106 for Michael Morris' daughter's annuity and \$356,944 for his son's annuity.

Estate of Michael Morris

**Trial Information:**

**Judge:** John J. Kelley

**Trial Length:** 0

**Trial Deliberations:** 0

**Editor's** This report is based on information that was provided by plaintiff's and defense counsel.  
**Comment:** Additional information was gleaned from court documents.  
**Writer** msiegel2