

Reynolds' sisters, plaintiff Betty Spencer and Mary McCoy, also testified.

{¶3} Dr. Elghazawi, Medical Director of the Cuyahoga County Correctional Center, who is board-certified in forensic medicine and forensic sciences, opined that the delayed diagnosis of pneumonia was the proximate cause of Reynolds' death, and that, had the pneumonia been treated earlier, Reynolds could have lived an additional 6 to 12 months. However, Dr. Elghazawi conceded that Reynolds was suffering from stage-four lung cancer that had spread to his brain and left kidney at the time of his death.

{¶4} Defendant's medical expert, Dr. John Glick, who is board-certified in oncology and internal medicine, a professor of medicine at the University of Pennsylvania School of Medicine (UPSM), and the director of the UPSM Cancer Center, opined that by March 4, 1998, Reynolds was suffering from an advanced stage of metastatic large-cell carcinoma of the lung that had spread to his brain and left kidney; that brain swelling was the cause of Reynolds' weight loss, nausea and vomiting; that antibiotics would not have affected the pneumonia or brain swelling at that point in time; that since the cancer had spread to Reynolds' left kidney, it was inoperable; and that the mass in Reynolds' lung had existed for at least several months. In Dr. Glick's opinion, Reynolds had inoperable, incurable cancer as of March 16, 1998. Dr. Glick opined that even if Reynolds had been treated successfully with antibiotics while in defendant's custody, he would not have survived more than one month.

{¶5} Dr. Glick further opined that had Reynolds survived past March 23, 1998, the quality of his life would have been poor; that he would have continued to waste away; that he would have suffered

extreme pain in his left kidney; and that he never would have been discharged from the hospital. Dr. Glick further opined that it would be absurd to suggest that Reynolds could have survived an additional year, and that a "miracle" would have had to occur for Reynolds to have survived an additional three to four months.

{¶6} Betty Spencer testified that Reynolds lived with her most of his life except when he was incarcerated; that Reynolds quit high school at age 17; that he was divorced; that he had four children who did not live with him; that he enlisted in the Navy in 1973 and was honorably discharged for medical reasons; that he received Social Security/Disability Income of approximately \$390 per month; that although there was a child support order in effect he was not paying child support; and that he had been incarcerated approximately 35 to 40 times, most often for abuse of harmful intoxicants. According to Plaintiff's Exhibit 18, Reynolds' funeral bill was \$1,225.58; Spencer testified that the Veterans Administration paid \$1,000 of the total bill.

{¶7} Mary McCoy testified that when Reynolds was not incarcerated, he enjoyed activities that included going "junking," watching television and reading.

{¶8} The court finds that Dr. Glick's testimony was credible and that, based upon Reynolds' advanced stage of cancer, he would have survived an additional month at most had defendant administered antibiotics promptly. The court also finds that plaintiff has not proven work loss since Reynolds received Social Security/Disability Income. Accordingly, judgment is rendered in favor of plaintiff in the amount of \$12,250.58, which includes funeral expense in the amount of \$225.58, pain and suffering and

emotional distress in the amount of \$6,000, loss of society in the amount of \$6,000 and the \$25 filing fee.

FRED J. SHOEMAKER
Judge

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