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Aileen Devlin (Photographer)
Lawyer Robert Zaytoun, center, stands with Cornal Gaymon, right, father of Kaiden Gaymon, and others outside of the Pitt County courthouse on Thursday, May 15, 2014. (Aileen Devlin/ The Daily Reflector)

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Deadlock, settlement in suit

By Kristin Zachary
The Daily Reflector

Friday, May 16, 2014

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A jury deadlocked Monday in one part of a malpractice case argued in Greenville by former Sen. John Edwards, and the local hospital paid \$13 million to settle its portion of the suit.

The family of Kaiden Gaymon was suing care providers on claims they failed to provide the 4-month-old boy with adequate oxygen and airway support resulting in brain damage in 2009. Vidant Health settled claims made against Pitt County Memorial Hospital, now Vidant Medical Center, officials said.

A jury was deadlocked on malpractice claims against Craig A. Sisson, the emergency room physician who cared for the child. Edwards and other attorneys for the Gaymon family intend to retry that case, said Robert Zaytoun of the Zaytoun Law Firm of Raleigh, who partnered with Edwards.

Zaytoun said the Vidant settlement satisfied the family because it would go a long way toward caring for Kaiden in the future. "That's what it's all about really," Zaytoun said. "Kaiden is taken care of."

Edwards, who was trying his first case since the collapse of his political career, had asked the jury to award damages of \$40 million during his closing argument on Monday.

Previous story

A Pitt County jury continues deliberations today in a medical malpractice claim lodged by the parents of a boy who suffered brain damage while in care of hospital personnel. The family is represented by former U.S. Sen. John Edwards.

Edwards, 60, returned to the courtroom last month for the first time since his political collapse, joining a team of lawyers working on behalf of the child, Kaiden Gaymon, and his parents.

The family maintains that Pitt County Memorial Hospital, now Vidant Medical Center, failed to provide the 4-month-old boy with adequate oxygen and airway support, resulting in the brain injury in 2009.

The case was with the jury on Tuesday, nearly one month after jury selection concluded in the lawsuit against University Health Systems of Eastern Carolina, now Vidant Health, the umbrella organization that includes Vidant Medical Center, and Craig A. Sisson, an emergency room physician there in 2009.

Kaiden was diagnosed with respiratory syncytial virus (RSV) and transported on Dec. 2, 2009, from Onslow Memorial Hospital in Jacksonville to Greenville. Edwards alleges the EastCare transport team and Sisson neglected the standard of care during the ambulance ride and in the emergency department.

An endotracheal tube, or breathing tube, used to ventilate Kaiden was not working, Edwards said in closing arguments on Monday, and the child was without adequate oxygen for several minutes in the ambulance. Kaiden was twice intubated in the emergency department, and his four attorneys allege the first time was unsuccessful, resulting in a loss of the child's airway for 10 minutes and resulting in permanent brain injury.

Sisson reintubated Kaiden, and he improved and stabilized. Lawyers for Vidant Health and Sisson said their clients did all they could and helped save Kaiden's life against all odds.

Edwards, a nationally recognized trial lawyer who made millions in similar cases before winning election to the U.S. Senate in 1998, asked jurors to consider awarding damages in excess of \$40 million.

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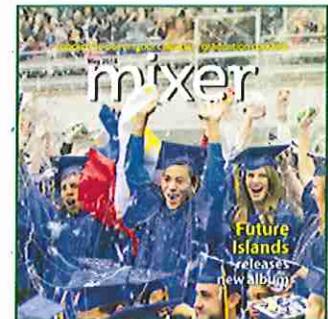
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