

\$5 million awarded in malpractice case

By DAVID HANCOCK
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A Dade County jury gave a \$5.1 million malpractice award to the family of a Key West woman who died at Baptist Hospital in Kendall after a 1989 operation.

The jurors ruled that two doctors had injured the woman's brain while trying to remove a pituitary tumor.

The money will go to the four children of Mary Dominguez, a single mother who died May 23, 1989, six days after the operation. Her children now live in Fort Stockton, Texas, with their grandmother Josephine Perez, who brought the suit on their behalf.

After a five-day trial before Circuit Judge Margarita Esquivroz, jurors took just 3½ hours Monday to reach a verdict against two doctors who operated on Dominguez: neurosurgeon Raul Rivet and ear, nose and throat specialist Eugene Rivera. Baptist Hospital was not cited for any damages.

The malpractice judgment was divided between the doctors based on the percentage that jurors felt they had been negligent. Rivet was found 36 percent liable for the woman's death, for a judgment of about \$1.8 million. Rivera was found

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64 percent liable, for about \$3.3 million.

The two attorneys for the woman's family, Gary Allen Friedman and John Seligman, said the surgery was botched as the doctors tried to remove the tumor by going through Dominguez' sinus cavity.

"They got lost and poked a hole in her brain," Friedman said.

When the brain began bleeding, they packed her sinus cavity with gauze, thinking the blood was coming from the sinuses, Friedman said. He said the doctors were also negligent for not having an X-ray done during surgery.

The two doctors did not return phone calls to their office late Monday. Rivet's attorney, John Lynn, could not be reached for comment; Rivera's attorney, Bruce Yegewel, declined to comment.