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VERDICT REACHED IN WAXAHACHIE WRONGFUL DEATH CASE

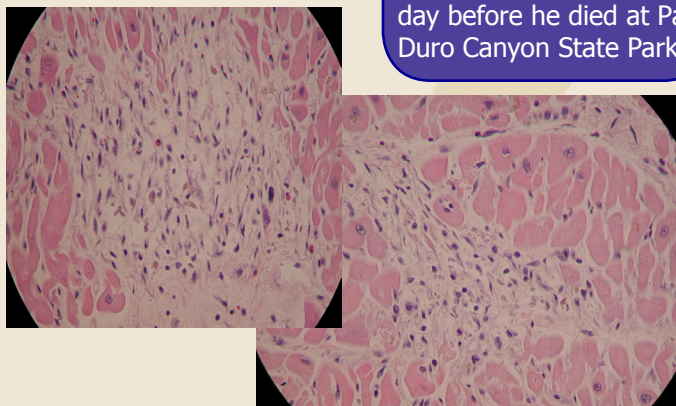
Fred Ramirez, 41 years old, had a history of high cholesterol and a family history of heart disease. On a Sunday afternoon in April 2005 Mr. Ramirez was watching t.v. with his family when he felt a sudden pain in his chest. He described it as feeling like an elephant sitting on his chest. His wife gave Fred two aspirin and his pain was relieved shortly thereafter. Fred's wife immediately called his family practice physician, Dr. Paul Kare, in Waxahachie, Texas. Dr. Kare's office scheduled an appointment for Fred the following Wednesday. At the appointment, Dr. Kare did not question Fred about the duration of the pain, what he was doing when he experienced the pain or what relieved it, he did not question him about his family history of heart disease or any of the pertinent history questions that medical textbooks suggest in this situation. Dr. Kare spent a total of approximately 10 minutes with Fred and opined that his pain was simply indigestion and prescribed heartburn medicine.



(left) Fred and Tracy Ramirez with sons Matthew and Andrew



(right) Fred Ramirez the day before he died at Palo Duro Canyon State Park



Paraffin slides of Fred Ramirez's heart tissue obtained and analyzed by the Tarrant County Medical Examiner showing elevated Troponin levels and scarring

Believing he was healthy, Fred loaded his horse and went to Palo Duro Canyon the following weekend for a trail ride with friends. During the trail ride he repeatedly complained about his chest pain and took indigestion medicine. On the trip home Fred suffered a massive heart attack and died. The Assistant Tarrant County Medical Examiner, Dr. Marc Krouse, performed an autopsy which revealed elevated cardiac markers and scar tissue indicating Fred suffered another heart attack 7-10 days prior to his death. Dr. Krouse and Dr. Steven Shilling, a Board Certified Cardiologist, testified that had Dr. Kare run the appropriate tests he could have detected Fred's heart condition and a simple stent procedure would have saved his life.

The case was tried in Dr. Kare's hometown of Waxahachie by Jeff Embry of Hossley & Embry and Phil Pfeifer of the Law Offices of Phil Pfeifer, P.C. in Houston. Doug Lewis with Chamblee & Ryan in Dallas represented Dr. Kare. T.M.L.T. insured Dr. Kare and never offered to settle the case prior to trial. Following a five day trial, the jury found Dr. Kare was negligent 11-1 and awarded his widow, Tracy, and his two college-age sons Andrew and Matthew a total of \$1,534,369. Motions to set aside the verdict were denied and District Judge Gene Knize entered a judgment for the full amount of the verdict, with interest. The case settled shortly thereafter for a confidential amount.

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