

# Greynolds, wife win \$1 million medical suit

• But lawyer for doctor  
argues technicality will  
cut the award to zero

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Former Barberton basketball coach Jack Greynolds and his wife, Mary, won a \$1 million medical malpractice suit Monday against a doctor who was performing a diagnostic test in 1987 when Greynolds suffered a massive stroke.

In a 6-2 verdict, jurors found that Greynolds was not capable of comprehending the consent form he signed before the test and therefore neuro-radiologist Dr. Andrew Kurman should have obtained consent from Mary Greynolds.



They awarded \$575,000 to Greynolds and \$425,000 to his wife. But whether the Greynoldses will ever see a penny of that award is yet to be decided.

Kurman's attorney, David Best, contends that visiting Judge Joseph O'Neill from Youngstown will have no choice but to reduce the verdict to zero.

That's because jurors, in addition to deciding a dollar award in the malpractice suit, were also

## SUIT

• Ex-Barberton coach  
suffered stroke during  
diagnostic process

Continued from Page C1

asked: "Would a reasonable person have consented to the procedure?"

They answered yes, a reasonable person would have consented to the test, which involved inserting dye into an artery and using X-rays to trace its path.

During the trial, the Greynoldses argued that — had they known the risks — they would not have agreed to the test.

But according to Best, the standard in Ohio for a monetary verdict is not whether Greynolds or his wife would have consented to the test but whether a reasonable person would have consented.

Since the jury said yes, Best contends that Ohio law requires the judge to wipe out the award.

The judge told the lawyers to submit written arguments and he would consider them.

Best believes the judge will render a decision that will essentially reverse the award and the Greynoldses will get nothing.

Pat Hart, attorney for the Greynoldses, disagrees.

"It is our position that it (the answer to the reasonable person question) is not inconsistent with the general verdict," he said. It's

obvious, he added, that jurors intended to find for the Greynoldses.

The Greynoldses had also sued Jose Rafecas, the neurologist who ordered the test. The jurors found in Rafecas' favor.

Greynolds had had a mild stroke when he was admitted to Akron General Medical Center in 1987. But he had had a 10-year history of heart and circulatory system problems.

Doctors at the hospital did two tests to try to determine why Greynolds had suffered the mild stroke. Both tests showed nothing, so the more definitive angiogram was ordered by Rafecas.

Greynolds suffered a massive stroke during the test that has left him unable to speak and totally dependent on his wife.

The Greynoldses argued that the risk of the test outweighed its benefits and that Greynolds didn't comprehend the risks or what he was signing.

The doctors argued that the test was the "gold standard" to finding what was wrong and that one artery to Greynolds' head was so blocked that he would have suffered the more massive stroke in a few days or weeks anyway.

"We are relieved this portion of the proceedings are over," Mary Greynolds said after the verdict was read. "We'll go home to Jack and resume our lives as best we can."

Greynolds, who was the fifth-winningest coach in Ohio basketball history and led his team to a 1976 state title, only made brief appearances during the trial. He did not testify.