

# Green dismissed from lawsuit

• Dental assistant also  
dropped from case of man  
who choked on gauze

BY DAVID KNOX  
*Beacon Journal staff writer*

The city of Green has been dismissed from a multimillion-dollar dental malpractice lawsuit filed by the family of an Akron man, Steven Kawczk, who died after a piece of gauze was sucked down his windpipe during oral surgery.

The lawsuit, filed in Summit County Common Pleas Court by Kawczk's widow, Sandra L. Kawczk, charged that the 41-year-old man died in 1994 as a result of negligence.

When the trial began Tuesday, defendants in the case were the dentist, John N. Santin; his assistant, Lori McCauley; the city of Green, which provided the paramedics and ambulance that took Kawczk to the hospital; and Dr. Ugo Gallo, the emergency room physician who treated him at Akron City Hospital.

Yesterday, Common Pleas Judge James R. Williams announced that Green had been dismissed from the suit. McCauley, the dental assistant, also was dropped from the case.

None of the attorneys would comment on the dismissals because the trial is continuing against Santin and Dr. Gallo.

"Judge Williams told us not to discuss the case in the press," said Jeffrey W. Van Wagner, the attorney for Green.

In opening statements on Tuesday, Van Wagner had contended that the four emergency medical technicians who responded to the 911 call from Santin's Fortuna Drive office on May 4, 1994, did everything possible to save Kawczk but that he already had suffered irreparable brain damage.

Kawczk apparently had inhaled the gauze pad, which was used to stem bleeding from the oral sur-

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• Receptionist overheard  
two inquiries about gauze

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gery, while unconscious from the general anesthesia.

Santin had admitted making errors in treating Kawczk, a custodian at Voris Elementary School who had undergone the surgery to replace some front teeth with dentures in preparation for a job interview.

Santin's receptionist testified Tuesday that she had overheard McCauley twice tell the dentist that she couldn't find one of the gauze packs. Santin responded that he "must have removed it."

In opening statements, Santin's attorney, Richard J. Rymond of Cleveland, suggested to the jury that Kawczk's widow and three children should be awarded \$1 million in damages.

The suit asks for nearly \$9 million in compensatory damages and \$1 million in punitive damages.

Dr. Gallo's attorney, Robert Orth of Akron, also argued that Kawczk was essentially brain dead by the time he arrived at the hospital. He said the piece of gauze, which was lodged below the larynx, had been inhaled an hour or more before Santin called for help.

During that time, Orth said, the gauze acted as a one-way valve preventing Kawczk from exhaling properly. The resulting buildup of carbon dioxide in his blood caused the brain damage.

During cross-examination Thursday by Timothy F. Scanlon, the attorney for the widow, Gallo conceded that Kawczk was alive when he arrived at the hospital.

But Gallo repeatedly pointed out that Kawczk was breathing only with the assistance of mechanical devices. Kawczk was pronounced dead the next day, after repeated examinations showed no brain activity.

Earlier Thursday, the four medical technicians testified that they had used a ventilator to force air into Kawczk's lungs.