



\$4.5 Million Settlement in Essex for Failure to Diagnose Malaria

The family of a toddler who died after a doctor allegedly failed to detect a case of malaria settled its Essex County suit, *Salifu v. University Hospital*, on Aug. 2 for \$4.5 million.

In November 2014, Janai Salifu, then a year and a half old, was taken to the emergency room at University Hospital in Newark with a fever, rapid heartbeat, vomiting, hot dry skin, and dry mucus membranes. Treating physi-



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COURTESY OF DAVID MAZIE

cian Dr. Noah Kondamudi was informed that the family, including Janai, had returned from a trip to Ghana about three weeks earlier, which carries a risk for contracting malaria, according to the family's attorney, David Mazie of Mazie Slater Katz & Freeman in Roseland.

Kondamudi declined to perform a blood test for malaria, and Janai was sent home; she returned to the University Hospital emergency room two days later, and a malaria test performed by a different doctor returned positive, and she was treated with malaria drugs, according to the suit.

The suit claimed that, in the interim, the case of malaria had progressed to a complicated case. Janai died three days after her second visit to the emergency room.

The suit contended that if Janai were treated with malaria drugs when she first went to the emergency room, she would have had a 99 percent chance of survival, and that failure to order the test was a breach of the standard of care. The defense contended that a cardiac event related to the malaria medication actually caused the death, according to Mazie.

The suit sought damages for Janai's pain and suffering, and for loss of future services to the family under the New Jersey Supreme Court's 1980 decision in *Green v. Bittner*.

The parties were scheduled to begin trial on Aug. 7. The settlement is subject to an apportionment hearing and is to be paid by the state, Mazie noted.

Robert Evers of Marshall Dennehey Warner Coleman & Goggin in Roseland, for the defendants, didn't return a call seeking comment.

— By David Gialanella