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## Temple hospital hit with \$45M jury verdict

**The case involved a teen who suffered brain damage from aspirating food soon after his release. Temple says it will seek to have the verdict vacated.**

By Harold Brubaker, Staff Writer

A Philadelphia jury hit Temple University Hospital with a \$45 million verdict this week in a case of a teenager who aspirated food, which led to significant brain damage, after being discharged from treatment for a gunshot wound to the neck.

The verdict, reached Monday in the Philadelphia Court of Common Pleas, adds to the trend of what are sometimes called “nuclear verdicts” in Philadelphia this year. There have been nearly as many verdicts worth at least \$10 million in Philadelphia in the first half of 2024 as there were all last year. The Legal Intelligencer reported last month.

Most of the \$45 million verdict against Temple is designated for the future health care and other expenses of the plaintiff, Dylan Hernandez, now 19. He was shot in the neck in 2020 and was treated first at Temple’s Episcopal Hospital and then at Temple’s main hospital on North Broad Street.

The dispute in the case was whether Temple personnel had adequately evaluated Hernandez’s swallowing ability, and whether he and his mother received proper instructions when he was discharged. Less than two days after he went home, Hernandez breathed in food he was eating, causing his brain to go without oxygen. Hernandez breathed in mashed potatoes, his attorney, Tom Duffy, said Wednesday in an interview. Temple argued that Hernandez did not follow discharge instructions about what foods were safe to eat. While Hernandez’s spine was not injured in the shooting, he needs a wheelchair because he has no balance. “He can’t get himself out of bed, or if there’s a fire he can’t get himself out of the house. He can’t make a meal,” Duffy said.

Temple said it respectfully disagrees with the outcome of the case and will ask the judge to vacate the verdict in favor of Hernandez. “We contend that he disregarded



the care team’s instructions on foods that could be safely eaten in his condition,” Temple Health’s general counsel, John Ryan, said in an email.

Ryan also said that such large verdicts are making malpractice insurers wary of doing business in Philadelphia.

“Health systems are largely self insured for verdicts like this now that insurance companies are not willing to provide coverage other than at very high levels, and the premiums are growing at exponential rates,” he said.