

# Bayonne doctor's lawyer to fight \$1M award to patient's widower

By CHARLES HACK  
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Saying he was "shocked" at the \$1 million share of blame attributed to a Bayonne doctor in the verdict of a wrongful death lawsuit, the doctor's attorney says he will ask for a retrial.

A Hudson County Superior Court jury ruled on Oct. 27 that Dr. Margaret Engel was responsible for 20 percent of the \$5 million total verdict in the death of Cecille Vida, who died in Bayonne Medical Center on Dec. 2, 2006, four days after she underwent a lymph node and lung biopsy.

The suit was brought by Vida's husband, Vincent.

The insurance carrier for Engel, the primary care physician for Cecille Vida, now faces a \$1.18 million bill, which includes an additional \$180,000 in interest ordered on Nov. 5 by Superior Court Judge Mary Costello.

The jury found that two other doctors involved in her treatment bore the remaining 80 percent of the responsibility, but the Vida estate cannot collect that \$4 million because those doctors reached an undisclosed settlement with Vida's family prior to Engel's trial.

Neil Reisman of Morris Plains-based Reisman, Rosenberg, Jacobs and Heller, said the jury's verdict was "clearly excessive," and said he will file for a retrial trial next week. If that is not successful, he will file an appeal.

Reisman described the jury as "intelligent and objective," but said the court "made some errors" by allowing them to consider "certain evidence."

"Dr. Engel is a dedicated and magnificent doctor and very well regarded. Obviously I am very disappointed with the result," Reisman said. "I am confident that in the end a different outcome will be achieved."

A retrial could result in either

part or all of the case being heard again, and would allow the judge to impose a different award. An appeal would require a whole new trial.

Christian LoPiano, a partner with Hoboken-based LoPiano, Kenny, and Stinson, who represented the Vida family, said Costello's ruling was proper and there are "absolutely no appealable issues."

Cecille Vida went to Bayonne Medical Center on Nov. 19, 2006 complaining of shortness of breath. Tests revealed she suffered from severe pulmonary hypertension and had swollen lymph nodes and shadows in her lung, which might have been a sign of cancer.

The suit alleged that doctors performed a potentially life-threatening biopsy procedure that was made more risky due to the hypertension, and that other low-risk tests should have been performed first.

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