

Trucker Wins Suit Over Blood Treatment

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Don Pruitt was working as a Tucumcari-based truck driver in 1993 when he developed an illness that allowed dangerous amounts of iron to build up in his blood.

The treatment involved having blood removed during a procedure called a phlebotomy.

Pruitt, then 62, had two uneventful treatments at a doctor's office in Aurora, Colo., where his Yellow Freight truck route regularly took him.

During a third treatment, however, blood that a nurse removed from Pruitt's arm went gushing back into his arm — along with a damaging bubble of air.

Pruitt sustained permanent brain damage from an air embolism or stroke.

A federal judge in Albuquerque ruled that the bottle had a defective design that allowed the damage to occur, and last week entered an \$850,000 judgment against Abbott Laboratories, whose North Carolina plant manufactured the glass bottle used in the procedure.

Jerry Wertheim, a Santa Fe attorney for Abbott, said the company plans an appeal.

Pruitt's attorney, Carl Bettinger, said his client testified in the non-jury trial, which extended over a period of months, a few days at a time.

Pruitt recalled hearing a slushing sound after the nurse removed clamps, and within seconds felt discomfort in his arm, then chest pain and left-side weakness, Bettinger said.

"What happened — what the judge found — was that this bottle, instead of being at a vacuum, was above the surrounding atmosphere pressure. It was at a positive pressure," he said.

Pruitt recovered most of the strength on his left side but was still weak enough that he couldn't operate commercial trucks, Bettinger said. The incident also impaired his judgment, and he hasn't worked as a commercial trucker since November 1993.

Bettinger said the incident was rare.

"I don't think it's a widespread problem," he said. "According to Abbott, this is first time there's ever been any reported injury — so it's not like there's a bunch of (Ford) Pintos driving around out there with problems."

In detailed factual findings, U.S. District Judge James A. Parker noted that Abbott Laboratories manufactured more than 5 million containers, substantially similar to the one used in Pruitt's case, between 1980 and 1992.

The process used in the Rocky Mount, N.C., plant where the containers were made included introducing a vacuum into a glass bottle, and sealing it with a rubber stopper and an aluminum cap and overseal, all intended to make it airtight.

But Parker noted that the bottle used on Pruitt was manufactured at sea level and used in Denver, where the altitude is above 5,200 feet.

Parker found the design defect involved the fact that by merely looking at the bottle, it was impossible to determine whether there was a vacuum without breaching the seal.

Parker found the altitude change caused pressure such that when the nurse removed clamps, Pruitt's blood flowing down the tube was reversed.

He awarded \$850,000 for Pruitt's lost earnings, medical expenses, loss of ability to provide household services, inability to walk normally and emotional distress.