

JANE GOODWILL VS. CUREM PHARMACY

GENERAL INFORMATION FOR CRAIG CUREM, DEFENDANT, and HIS ATTORNEY

Three years ago, Jane Goodwill was suffering from a minor physical complaint. Jane's doctor prescribed a drug which she took. Although her initial problem improved, she generally felt terrible, experiencing flu-like symptoms. While she continued to take the medication, despite her symptoms, she conceived her first child.

When she continued to feel ill, she went to the doctor. It was discovered that the medication she had been taking was 100 times the dosage she should have been taking. For a long time she thought it was the doctor who had prescribed the wrong dosage. It was only after she decided to file suit and in the course of preparing this lawsuit that it was discovered to have been the druggist's error.

Jane had no lasting side effects from the drug but there was no guarantee that the medication would not affect the fetus. Throughout the pregnancy she suffered from fear and uncertainty. When the child was born there appeared to be no ill effects from the medication.

Despite the fact that there is no apparent harm to the child, it is possible that symptoms will develop later. The suit on behalf of the child was dismissed without prejudice. That is, should it later be discovered that the child had been damaged, another suit can be filed.

Jane is demanding \$25,000 for pain and suffering from the drugstore. The pharmacist has refused to make any settlement offers, claiming that Jane sustained no real damage.

This case was filed in district court and has been ordered to mediation. In attendance are Jane, her attorney and the druggist, Craig Curem, and his attorney.

CONFIDENTIAL INFORMATION FOR CRAIG CUREM AND HIS ATTORNEY

To begin with, you are upset that this incident happened three years ago and the first you knew about it was when you were notified a suit had been filed. The idea that this mother went through this terrible experience is very upsetting to you – and you knew nothing about it. You also think that if you'd known about this you could have arranged for some settlement without the potential publicity of being sued.

You have always prided yourself on having extremely high professional standards. You are an active member of a pharmacists' group which is active in developing new protocols for druggists.

At the time this incident occurred you had just bought Curem Pharmacy. Business was

brisk and you sometimes found yourself handling up to three telephone calls at the same time as you tried to fill prescriptions. You were confident of your ability to manage everything, but this suit has shaken you.

Since finding out about Ms. Goodwill you have changed your way of doing business. You will take only one call at a time and fill only one prescription at a time. It cuts down on the number of prescriptions you can fill, but you aren't about to make another mistake like this one.

Jane is demanding \$25,000 for pain and suffering. That doesn't seem unreasonable to you (and you are insured), however, you have been advised not to make any settlement offers – claiming that Jane sustained no real damage. In fact the insurer has evaluated the case at \$8,000. S/he will have to get additional authority in order to go above that amount to settle the case.

This case was filed in district court and has been ordered to mediation. The mediation will be attended by you, your attorney, Jane Goodwill and her attorney.