

# MINNESOTA VIKING FOOTBALL PLAYER WINS CASE AGAINST HIS DOCTOR

*Attorney's Kevin Elder and Garrett Penney of Penney and Associates obtain justice for Vikings football player after many years*

SACRAMENTO, CALIFORNIA, UNITED STATES, October 5, 2022

/EINPresswire.com/ -- Penney and Associates attorney's Kevin Elder and Garrett Penney received an substantial jury verdict in Placer County, California on Thursday September 22, 2022, against defendant CEP America and its partner Dan Nadler MD.. The case, Austin J. Wentworth v. Dan Nadler, M.D., et al., Placer County case

#SCV0037909. See <https://trellis.law/case/s-cv-0037909/wentworth-austin-j-vs-sutter-roseville-medical-center-et-al> . After 4.5 hours, the jury returned a verdict of \$2,280,961 which included \$540,961 in past economic losses, \$240,000 in past noneconomic damages and \$1,500,000 in future noneconomic losses (pre-micra).

“

it was likely Austin would have returned to the team and made the 53-man roster”

*George Paton*

Plaintiff, Austin Wentworth was a 24-year-old young man who while at home during the late morning of March 11, 2015, suddenly developed pain and bilateral tingling and numbness in his lower extremities, left greater than right, below his knees without acute trauma. His fiancé drove

him to the Emergency room at Sutter Roseville Medical Center barefoot in gym shorts (without shoes, socks, or flip flops) due to the perceived medical emergency. Austin was seen within 10 minutes by the triage team of T. Chambers PA and a Sutter nurse. Austin reported that he was an elite athlete in the NFL playing under contract with the Minnesota Vikings as an offensive lineman. He had not played football in over 3 months and had not lifted weights in more than 5 days. There had been no trauma. MRIs of the full spine were ordered. He was roomed about 1.5 hours after presenting to the ER which was followed by a nursing assessment and Dr. Nadler's



Garrett Penney, Rising Star Super Lawyer Designee

initial exam. Morphine was Rx'd for pain noted to be an 7-8. Foot and ankle pulses were reportedly normal although there was documentation of "questionable" pulses. A Handheld doppler was not used or considered. Dr. Nadler followed the direction of the triage team suspecting a neurologic spine disorder and the plan remained for MR imaging of the spine when the machine was available. While in pain, Austin waited for more than 4 and ½ hours from presentation to the emergency department for imaging.

Dr. Nadler and hospital staff suddenly realized that Austin's problem may have been vascular in nature. A handheld doppler was used revealing absent pulses in Austin's lower extremities. A CTA was ordered, and ultimately bilateral emboli were found in Austin's femoral arteries. Vascular surgery was consulted more than 7 hours after Austin presented to the hospital. He was taken to operating room and 3 surgeons worked side by side to perform bilateral embolectomies and fasciotomies. Austin received a total of 5 surgeries including debridement. Austin was left with left foot drop and loss of muscle/tendon causing significant ambulation problems. Austin could not return to play football for the Vikings.

The cause of the emboli was found to be a fibroma in Austin's heart. A Clot had built up around the fibroma and finally dislodged travelling down the aorta where it split in two at the bifurcation (saddle) and then became stuck in each femoral artery of the lower legs.

In July 2015 Austin was referred to the Mayo clinic by the Minnesota Vikings for a 2nd opinion to confirm the fibroma as the cause of the emboli. Austin immediately underwent open heart surgery to remove the fibroma. He was placed on blood thinners for 6 months post-surgery and cleared of all restrictions. However, although his cardiovascular condition was resolved, he remained without muscle strength in his left leg and drop foot both of which precluded him from returning to football. He was under contract with the Minnesota Vikings for 3 years. Had his vascular condition been timely recognized he would not have lost his motor strength in his lower left leg. George Paton the Assistant General Manager of the Vikings (currently the general manager of the Denver Broncos; <https://www.denverbroncos.com/team/front-office-roster/george-paton>) testified that it was "likely" Austin would have returned to the team and made the 53-man roster assuming a number of facts all of which were undisputed in this last trial. Austin lost the 2016 season which would have earned him \$540,000 net without benefits.

The complaint was filed on June 9th 2016 with the blessing of Dr. Robert Suter an emergency medicine physician practicing out of Texas and Oklahoma. Dr. Suter made an excellent witness as his background includes the US Army Medical Corps where his current rank is Brigadier General. The complaint included Sutter Roseville and T. Chambers PA for their part in the delay



Kevin Elder Esq.

to diagnose. Experts were retained by all sides (13 total) and the case tried to a jury in December of 2021 spilling over into January of 2022. Plaintiff rested before Christmas and 10 dark court days followed with the defense given a fresh start the first week of January 2022.

The jury returned after a few hours finding both defendant Sutter and T. Chambers free of negligence. They were, however, deadlocked on whether Dr. Nadler M.D. was negligent, 8 against him and 3 in favor. After 3 days the court declared that the jury was deadlocked. Yelling amongst the jurors was overheard as they tried to reach a verdict to no avail. A mistrial was declared, and the case set for another jury trial to commence on September 6, 2022 of which the above verdict was rendered. A demand was made by plaintiff for Dr. Nadler's policy limits of one million dollars in early summer 2022. No response was given.

Plaintiff served a CCP 998 offer to compromise on defendant Dr. Nadler in the amount of \$349,999 on December 30th, 2019. Dr. Nadler served a 998 for a waiver of costs. Due to the jury's verdict, Dr. Nadler will have to cover a substantial amount of Mr. Wentworth's costs of prosecuting his case. For a further and more detailed explanation of this case please click on the following link; <https://www.penneylawyers.com/blog/>

Frederick Penney  
Penney and Associates  
+1 916-784-3566

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

[Other](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/594188434>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.