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Family sues Saint Thomas' heart surgery groups and two doctors

Alleges unnecessary surgery caused death of patriarch

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A family has sued at least two surgery groups tied to Saint Thomas Hospital here accusing those entities, and two doctors associated, with negligence for causing a member's death after an alleged unnecessary and subsequently botched heart surgery.

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The [Davidson County Circuit Court complaint](#) was filed Jan. 18 by Cookeville resident Katherine D. Evans, the surviving spouse of Robert Wayne Evans, and the Evans' three children — all named plaintiffs. The defendants are Cardiovascular Surgery Associates, Dr. William H. Coltharp, a physician working for the group, Saint Thomas Heart, LLC, Dr. Mark F. Aaron staff physician, and The Heart Group PLLC. All are accused of various negligence wrongs for performing a heart valve replacement surgery the family claims wasn't needed. Robert Wayne Evans died from an infection shortly after the surgery, a fear family members had from the start, the complaint states.

Saint Thomas' Spokesperson Kristi Gooden declined to comment on the lawsuit citing hospital policy.

Randall L. Kinnard and Mary Ellen Morris, attorneys with the Nashville law firm of Kinnard Clayton & Beveridge, represent the Evans family.

A brief summary of the tragic events leading to the lawsuit are as follows:

Evans went to see cardiologist Aaron on Dec. 10, 2010. It is unclear from the complaint exactly why Evans made the appointment. Subsequent to this visit, however, Evans was scheduled for an echocardiogram and a cardiac catheterization on Jan. 12, 2011.

Kinnard would not elaborate on case details nor would he comment on the legal strategy employed. But the complaint states that Evans experienced no chest pain at the time of the echocardiogram nor was he dealing with any symptom indicating a heart problem. For reasons unclear, Aaron referred Evans to Coltharp, who then determined that Evans needed aortic valve replacement surgery, which occurred on Feb. 2, 2011. Evans developed an infection post surgery and died on May 8, 2011.

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The defendants are accused of violating standards of acceptable professional practice as those standards relate to the type of heart valve replacement surgery Evans underwent.

Kinnard said the goal in cases like this is to show the court a preponderance of evidence supporting the claim that, in this case, the heart valve replacement surgery wasn't needed and a significant breakdown in communication among the parties associated with Evans' care resulted in his death.

"In a civil matter like this, we have to show that the evidence supporting our negligence claim is 'more likely than not' to show that surgery should have been avoided," Kinnard said. "It's not reasonable doubt like in criminal cases but the preponderance of evidence that will make the case."

One interesting and unusual twist to this particular litigation is the whereabouts of defendant Dr. William Coltharp. According to Kinnard and online news reports, Coltharp disappeared last fall and was last seen then paddling a canoe on Center Hill Lake.

Kinnard wouldn't say how Coltharp's disappearance affects the possible legal outcomes to this case.

"I have a good idea, but I'm not prepared to divulge that at this time," he said.

Concerning damages potentially awarded in circuit court, the Evans family is seeking, according to the complaint, a "reasonable sum of money compensation for all damages sustained."

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