

# **THE OHIO TRIAL REPORTER**

**This case resulted in a Plaintiff's Verdict**

**Type of Case: Workers' Compensation Death Claim**

**Plaintiff: Dena Henry, Widow Plaintiff**

**Defendant: Lincoln Electric Holdings, Inc.**

**Case Number: 05 573250**

**County: Cuyahoga**

**State: Ohio**

**Judge: John J. Donnelly**

**Court: The Court of Common Pleas**

**Verdict: The Widow Plaintiff is entitled to participate in the self-insured workers' compensation fund of the Defendant.**

**Trial Counsel for Plaintiff: Christopher G. Wincek, Esq. Cleveland, Ohio**

**Trial Counsel for Defendant: Glenn R. Jones, Esq. Medina, Ohio**

**Compensable Injury: Lethal Cardiac Arrhythmia (Sudden Cardiac Death)**

**Facts of the Case: 46-year-old decedent engineer worked for the employer for approximately eight years and died within a few hours after receiving a warning slip.**

**Plaintiff alleged that: Decedent was previously considered a good employee. Three years before his death decedent was assigned to a new manager who virtually ignored the decedent and gave him poor reviews. A change in management eighteen months later allowed for more communication between the decedent and his current manager, but the current manager interacted sparingly with decedent and continued to give him bad reviews. Complaints to his manager's Division Director produced no results. A meeting with a senior manager in Human Resources also produced no results. Decedent complained of unhealthy levels of stress to management, co-workers, friends and family. On the day he died, decedent met with his Division Director and supervisor who presented decedent with a warning slip threatening termination if his performance did not improve. Decedent went home and was in bed by seven p.m. He died shortly thereafter of ventricular fibrillation. Plaintiff alleged that decedent's cause of death was due solely to mental or emotional strain that is greater than that stress to which all workers are occasionally subjected.**

**Plaintiff's Expert: Allan Harris, M.D. Cardiology, Cleveland, Ohio (not a treating physician)**

**Plaintiff's Expert testified that decedent had some underlying heart disease (ventricular hypertrophy) but that decedent performed well on stress tests and played basketball once a week. Plaintiff's expert testified that the stressful work environment, especially the last four days, was the medical cause for decedent's fatal arrhythmia.**

**Defendant's Expert: Sushil Sethi, M.D. cardiovascular surgeon and occupational medicine. Mansfield, Ohio**

**Defendant's Expert testified that decedent died of hypertensive and atherosclerotic cardiovascular disease and that these conditions were not caused by stress. Notably, decedent's father and brother both died of myocardial infarction, both in their forties.**

**Plaintiff-widow-claimant: Fifty years of age and female. Position recently eliminated.**

**Information provided by Christopher G. Wincek, Esq. Attorney for the Plaintiff, Dena Henry**

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