

Local

✓ CF AIDS RP 8/22/90

AIDS victim's family sues Monterey hospital

By LARAMIE TREVINO
STAFF WRITER

Three months before she died of AIDS in April 1989, Edwina Murphy testified from her bed at home about her battle with the disease.

The videotape of her deposition was presented to a Monterey County Superior Court jury yesterday on the opening day of her family's lawsuit against the hospital where she received blood tainted with the AIDS virus.

Murphy, a Salinas mother of six, died at the age of 46 after she contracted AIDS from a blood transfusion given to her in connection with emergency surgery performed at Community Hospital of the Monterey Peninsula in December 1983.

Her family contends the

hospital is responsible because its blood bank took blood from an unnamed donor it knew was an intravenous drug user. Family members, headed by her hus-

band, Joseph Michael Murphy, who weighed 103 pounds at the time of her deposition, answered questions clearly and quickly. She lifted her head from her pillow only once, to

the five health representatives, three of them nurses, who operated the hospital's blood bank.

"No blood bank in the United

The Murphys maintain that the donor, who died of a heart attack in 1984, was known to police, friends and hospital staff as a drug user, but defense attorney

arm (blood for the blood bank was drawn from his right arm, hospital records show) and of a drug kit found in his possession at the time of his death.

As the video played, Murphy's husband looked at the courtroom floor.

band, Joseph Michael Murphy, who is postmaster in Moss Landing, are suing the hospital for wrongful death and loss of companionship.

Following opening statements presented yesterday in Superior Court Judge Richard Silver's courtroom, attorney William Bryan, who along with Tom Wills and Luis Jaramillo is representing the Murphys, introduced as evidence a 20-minute videotape of Murphy.

Looking gaunt, the 5-foot, 6-

inch Murphy, who weighed 103 pounds at the time of her deposition, answered questions clearly and quickly. She lifted her head from her pillow only once, to

identify the morphine tablets, Valium and other medications she kept next to her bed.

As the video played, Murphy's husband looked at the courtroom floor, and her 22-year-old son, Donald, who along with his sister Joanna Bankston accompanied their father to the proceeding, fidgeted in his seat.

The hospital's defense team of John McDougall Kern and Mary Oppedahl, of San Francisco, will attempt to dispute the Murphys' claims by defending the role of

States checks medical records," Kern said in his opening statements.

The test that is now used to screen donated blood for the AIDS virus was not available in 1983, when this donor sold his blood to the hospital's blood bank. The blood screening test became available in March 1985.

Kern argued that a high "standard of care" had been followed by the hospital workers, all of whom had extensive experience in the health field.

Kern said, "Nowhere will the evidence show the information was communicated to any nurse."

He said emergency room reports indicate no record of recent drug use in the donor's history.

Bryan, the Murphys' lawyer, said, however, that a friend of the blood donor overheard him tell a blood bank representative that he had used drugs, "but he doesn't do them anymore."

Bryan's exhibits included enlarged photographs of the donor's needle track marks on his left

As an intravenous drug user, the donor was in the highest AIDS virus risk category, Bryan said, and blood bank staff members should have scrutinized the donor more carefully because it is "absolutely prohibited" to draw blood for transfusions from anyone who has ever injected drugs.

"AIDS kills every single, solitary time," he said. "It's just a matter of time."

While no specific amount of damages has been brought up, Wills said his team may bring up a figure in closing arguments scheduled at the conclusion of the civil trial, which is expected to last four to six weeks.