



Published: Jun 19, 2008 12:30 AM

Modified: Jun 19, 2008 05:38 AM

Duke, patients settle hydraulic fluid claims

THOMAS GOLDSMITH, Staff Writer

[Comment on this story](#)

Duke University Health System has settled claims by patients who alleged they suffered health problems after being exposed to hydraulic fluid on surgical instruments at two Duke hospitals in 2004.

The settlement, which remains confidential, resolved claims against Duke by an unknown number of clients represented by HensonFuerst, a law firm with offices in Raleigh and Rocky Mount.

Both parties said in a statement that HensonFuerst and Duke University Health System "have resolved and settled without resort to litigation all claims" involving HensonFuerst clients against the health system and its constituent hospitals.

Meanwhile, dozens of patients who were exposed to the hydraulic fluid at Durham Regional and Duke Raleigh hospitals have sued the companies that contracted with Duke to sterilize the equipment.

In the suit filed Tuesday in Durham County Superior Court, 67 plaintiffs accuse Cardinal Health and Steris Corp. of actions including corporate negligence, unfair and deceptive trade practices and obstruction of justice.

Steris Corp., of Mentor, Ohio, made the sterilization washers used by the Durham and Raleigh hospitals to clean surgical equipment, as well as the detergent and other products used in the process, the suit says.

Cardinal Health of Dublin, Ohio, is a manufacturer and distributor of medical and surgical supplies. The lawsuit says the company sold and delivered cleaning products to the Raleigh and Durham hospitals. According to the suit, Cardinal employees missed several signs that the leftover barrels of hydraulic fluid should not have been returned to the company as detergent for resale. Individual employees of Cardinal were also named as defendants, but the suit said they acted within the scope of their employment.

A representative of Cardinal Health said Wednesday that the company does not comment on pending lawsuits. Steris Corp. did not return a call for comment.

According to the lawsuit, the plaintiffs were patients of Durham Regional or Duke Raleigh hospitals during November and December 2004, when more than 3,600 patients were operated on with instruments mistakenly cleaned with used hydraulic fluid. The hydraulic fluid had been drained from an elevator and sent back to the hospitals for use as detergent.

Plaintiffs said they developed health problems, including infections, immune-system issues and inflammatory response problems. Some said they suffered loss of "consortium," a legal term often referring to a spouse's help, comfort or companionship.

The injuries caused the plaintiffs "great worry, anxiety, apprehension and emotional distress," the suit charges.

thomas.goldsmith@newsobserver.com or (919) 829-8929

© Copyright 2008, The News & Observer Publishing Company

A subsidiary of [The McClatchy Company](#)