

Ulnar Nerve Injury: Connecticut Trial Court Enters Verdict

Plaintiff, a 26 year old male, claimed an ulnar nerve injury following general anesthesia for a cholecystectomy. Plaintiff alleged his injury resulted from the anesthesiologist's failure to properly pad and position the arm. Claimed damages included the loss of a furniture refinishing business, an inability to work, diminished marital relationship, dependence upon pain medication, pain and suffering.

Plaintiff's initial demand of \$750,000 was reduced prior to trial to \$125,000. Preferred Physicians and its policyholder elected to submit the case to trial based on the strength of its defense experts and the supporting medical literature.

During the trial, plaintiff was unable to substantiate his loss of income. The court also barred plaintiff's

expert from testifying based on an absence of facts to support his opinions.

Preferred Physicians' defense focused on medical literature which indicates that ulnar nerve injuries can and do occur in the absence of negligence. In addition, Preferred Physicians presented videotaped surveillance of the plaintiff to demonstrate the absence of any physical disability.

Given an absence of expert medical testimony to support plaintiff's case, defense counsel filed a motion for directed verdict. The trial court granted the motion and entered a verdict in favor of the anesthesiologist.

Robert Cooney of Bridgeport, Connecticut, defended the case for Preferred Physicians. Janet Richeson at Preferred Physicians Medical managed the file and can provide details regarding this case. ❖

Epidural Hematoma: Texas Jury Returns Defense Verdict

Plaintiff, a 65 year old male with chronic back problems, received epidural steroid injections and subsequently developed an epidural hematoma. Plaintiff claimed substantial disability resulting from the complication.

Plaintiff filed suit against his primary physician, the anesthesiologist and his physical therapy provider.

Plaintiff's demand prior to trial was \$500,000. Preferred Physicians and its policyholder agreed not to enter into settlement negotiations.

Plaintiff's pain management expert, Daniel J. Boyle, II, D.O. of San Antonio, Texas, testified that the administration of epidural steroid injections was not supported by a proper diagnosis and should not have been performed prior to more conservative treatment.

In addition, Dr. Boyle testified that it was improper to perform such injections without the use of fluoroscopy.

Defendant's anesthesia expert, Robert Bulger, M.D. of Plano, Texas, testified in support of both the diagnosis and the treatment technique. According to Dr. Bulger, performing such injections under fluoroscopy is not the standard of care.

During cross-examination, plaintiff's credibility and claim of lost income was undermined by an admission he forged a letter offering employment.

The jury returned a defense verdict in favor of all defendants, including the anesthesiologist.

Rusty Biechlin of San Antonio, Texas, served as defense counsel. Contact Steve Sanford at Preferred Physicians Medical for details regarding this case. ❖

Wrong-sided Surgery: Texas Jury Finds for Anesthesiologist

Plaintiff, a 43 year old male, was scheduled for an arthroscopy of the left knee. Surgery was performed on the right knee. The patient discovered the error in recovery and was returned to surgery for the correct procedure. The patient filed suit against the surgeon, the hospital and the anesthesiologist.

Prior to trial, the hospital and surgeon settled out of the case for \$57,500. The demand against the anesthesiologist was reduced to \$20,000 just prior to trial. Preferred Physicians and its policyholder elected to proceed to trial. Preferred Physicians reasoned that responsibility for the injury rested primarily with the surgeon and the hospital. Moreover, any verdict against the anesthesiologist would, under Texas law, be reduced by the amount of the settlement with the surgeon and hospital.

Plaintiff's anesthesia expert, James Wynn, M.D. of San Antonio, Texas, testified that the anesthesiologist is responsible for maintaining a proper record to assure the correct surgical procedure is performed.

Defendant's anesthesia experts were Robert Bulger, M.D. of Plano, Texas, and Ronald Mayhorn, M.D. of Sequin, Texas. Drs. Bulger and Mayhorn testified that this surgical error was not the responsibility of the anesthesiologist.

The jury deliberated for 15 minutes before returning a verdict finding no negligence on the part of the anesthesiologist.

Defense counsel was Rusty Biechlin of San Antonio, Texas. Contact Steve Sanford at Preferred Physicians Medical for details regarding this case. ❖

Pain Management: West Virginia Defense Verdict

Plaintiff, a 37 year old male, was diagnosed with reflex sympathetic dystrophy and referred to a Preferred Physicians' anesthesiologist for pain management. After a series of sympathetic epidural blocks, the anesthesiologist and patient discussed the options for more permanent pain relief, specifically the use of a Phenol block to destroy the nerve. Plaintiff agreed to the procedure.

Plaintiff later filed suit claiming the Phenol block had caused additional nerve damage which resulted in groin pain and impotence. Plaintiff underwent a penile implant that he claimed was defective and required replacement.

Plaintiff's pain management expert was Thomas Mitros, M.D. of Phoenixville, Pennsylvania. Dr. Mitros criticized the diagnosis of reflex sympathetic

dystrophy and the technique utilized to accomplish the chemical sympathectomy.

Defendant's pain management expert was Gabor Racz, M.D. of Lubbock, Texas. Dr. Racz testified that the anesthesiologist utilized the proper technique in performing the Phenol block. Dr. Racz indicated that the alleged groin pain was a natural result of the chemical sympathectomy procedure and resolved after a short period of time. The impotence, according to Dr. Racz, was related to a progression of the reflex sympathetic dystrophy which could be successfully treated by therapy in a chronic pain treatment facility.

The jury returned a defense verdict.

Richard Hayhurst of Parkersburg, West Virginia, served as defense counsel. Helen Rice at Preferred Physicians Medical managed the file and can provide information about this case. ❖

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