

# Unanimous Defense Verdict for Ophthalmologist in Medical Malpractice Case - December 2010

On December 15, 2010, senior shareholder [Michael I. Neil](#) <sup>[1]</sup> and associate [Matthew R. Souther](#) <sup>[2]</sup> obtained a unanimous defense verdict on behalf of an Ophthalmologist.

The plaintiff had RK and AK procedures done in 1994 and had a follow up RK procedure some months later by the Defendant physician. He did not see her again until 2004 when she came back claiming a loss of vision in the left eye. After approximately six months, a PRK laser procedure was done on the left eye. She did well for a period of time and utilized a contact lens in the left eye. In 2006, the plaintiff complained of deteriorating vision and a second procedure (PRK) was done. Thereafter, the plaintiff claimed her vision in her left eye went downhill and deteriorated. An "Epi scrape" was done in 2008 which cleared up some haze, but the plaintiff still complained of a virtual total loss of vision in the left eye and was now seeing quadruple.

The plaintiff claimed the physician failed to warn her that the procedures in 2004 and 2006 carried with them an increased risk of complications. She claimed that if she had been informed of the increased risk, she would not have consented to go forward with the laser procedure in 2004 and 2006 on her left eye.

The Defendant contended the plaintiff was verbally advised of the increased risk because of her prior procedures and signed consent forms before each procedure which outlined the risks and complications. Additionally, she saw a video in 2004 and refused to see a video in 2006, although the plaintiff denied refusing to see it.

The plaintiff asserted she would need a cornea transplant as a result of the PRK procedures done on her. Plaintiff sought \$230,000 in damages.

Trial lasted 5 days. The jury returned a 12-0 defense verdict on behalf of the Ophthalmologist.

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