

BONEZZI SWITZER POLITO & PERRY^{CO. LPA}

BSPP congratulates Bret C. Perry on obtaining a defense verdict in favor of his clients, an Orthopedic Spine surgeon and Physician Assistant, in a recent medical malpractice and wrongful death trial held in Cuyahoga County, Ohio. The decedent, a 62-year-old, married, father of two, had been diagnosed with chronic back pain caused by degenerative disc disease. In order to address his cervical disc disease, an anterior/posterior cervical discectomy and corpectomy was performed by the Defendants. Approximately three weeks after surgery, the decedent was diagnosed with an esophageal perforation which required surgical intervention to close the perforation, as well as the placing of a feeding tube to assist in healing the esophagus. Plaintiff's experts alleged that the Defendants were negligent in failing to identify the esophageal perforation, and in timely arranging for definitive treatment once diagnosed, thereby proximately causing the decedent to suffer pain, incur medical expenses and death.

On behalf of his clients, Mr. Perry argued that an objective review of the facts confirmed that the esophageal perforation presented in a delayed fashion, that once identified the Defendants obtained the necessary and appropriate consults, and that the subsequent care and treatment was both reasonable and necessary in light of this post-operative complication experienced by the decedent. The defense experts, a nationally recognized Neurosurgeon and Otolaryngologist, both testified that the complication experienced by the decedent was rare, timely identified, and that the treatment plan set into motion by Defendants exceeded the accepted standard of the standard of care was met.



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