



BSPH congratulates Bret C. Perry and Ronald A. Margolis on obtaining a unanimous defense verdict in favor of their client in a recent medical malpractice trial. Plaintiff claimed that the Defendant negligently managed her airway during cervical spine surgery including hyperextending the spine and utilizing a laryngeal airway mask in a non-FDA approved manner. As a result of these negligent actions, Plaintiff claimed that she suffered an injury to her spinal cord causing permanent injury including a left-sided paralysis in her upper and lower extremities.

The defense countered these allegations arguing that the anesthesia and airway management was well within the accepted standard of care. Further, expert testimony was offered confirming that the FDA does not direct the practice of a healthcare provider. Finally, the defense offered objective and irrefutable radiographic imaging confirming that Plaintiff's injuries were the result of an inadvertent intraoperative dural tear causing a spinal cord contusion and not as a result of hyperextension of the cervical spine. The jury deliberated for less than two (2) hours before returning a unanimous verdict in favor of Defendant finding that the standard of care was met. The jury did not reach the issue of proximate causation.

