

BONEZZI SWITZER POLITO & PERRY CO. LPA

BSPP congratulates Bret C. Perry and Christopher F. Mars on obtaining a unanimous defense verdict in favor of their client, an Orthopedic Spine Surgeon, in a recent one-week medical malpractice and wrongful death trial held in Lake County, Ohio. Plaintiff claimed that the decedent, a 58-year-old, married father of two, suffered his untimely death due to the defendant-physician's failure to recognize and treat a post-operative infection of his spine. Plaintiff claims that the failure to timely recognize, and treat, this infection led to the decedent suffering his untimely death due to overwhelming sepsis. Plaintiff claimed that if a longer course of antibiotics and an alternate surgical approach were employed, the decedent's death would have been prevented. Plaintiff asked the jury to return a verdict more than \$3,000,000 for the death of the decedent.

On behalf of their client, the defense argued that Plaintiff's entire case was premised on a hindsight analysis. The defense countered that when viewing the facts prospectively, the decedent was appropriately evaluated and treated for a superficial infection. The defense submitted that the decedent suffered from a superficial infection and that the appropriate course of antibiotics was instituted following surgery. Based on the medical records, and the expert testimony elicited at trial, there was no sign of a systemic infection while the decedent was under the care of the defendant-physician, the treatment regimen and care provided was appropriate and that earlier intervention would not have altered the unfortunate outcome.

The jury deliberated less than one hour before returning a unanimous verdict in favor of defendant finding that the standard of care was met.



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