

Our Thinking: Justice & Results

Related Practice

Medical Malpractice

\$525,000 Verdict – Medical Malpractice

In July of 2000, our plaintiff, a 29-year-old male underwent a L4-5 laminectomy and posterior fusion for symptomatic and unstable spondylolisthesis. Despite an x-ray taken five months post-op which showed a fractured pedicle screw, which the defendant admitted he failed to see, the plaintiff was told the fusion was solid and was permitted to return to work. For 23 months, the plaintiff suffered excruciating pain in his back, which led to an evaluation by another physician who pointed out the fractured screw and failed fusion. He then returned to the original defendant who finally saw the broken screw and ordered a CT scan, which was negative for failed fusion. The plaintiff contended the defendant never diagnosed the failed fusion, permitted him to continue to work, freely prescribed narcotic pain medications including Vicodin, and allowed him to suffer until he saw another spinal surgeon, in 2006. That surgeon diagnosed the failed fusion and performed the needed fusion surgery five days later. While the plaintiff now has a solid two-level fusion, he cannot do heavy manual labor and is addicted to Vicodin; he is currently working as a waiter.