

## Nerves Damaged During Back Surgery

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# *Young Couple Loses Everything As a Result of Botched Surgery*

**M**r. and Mrs. John Doe were a young couple who were very active and very much in love. They did everything together, including fishing, scuba diving, snow skiing, and many other physical activities.

In 1995, Mr. Doe sustained a lower back injury which required medical care. He sought treatment from Dr. X, a local orthopedic surgeon. Dr. X told Mr. and Mrs. Doe about a "Band-Aid" procedure, intended to remove a herniated disk with a laser device. Dr. X touted the procedure as being less invasive than traditional disk surgery. It would require careful administration of anesthesia so that Mr. Doe could alert the surgeon if sensitive nerves were being adversely affected. Mr. Doe, following his doctor's recommendation, agreed to undergo the procedure.

One of the most obvious complications of any back surgery is injury to otherwise healthy nerves. Nerves in the lower back, if injured,

hospital until he could urinate successfully. In an attempt to empty his bladder, Mr. Doe, with his wife's assistance, attempted to stand beside his bed. His legs buckled immediately, and his wife helped him back into bed.

A neurological evaluation revealed that Mr. Doe had suffered a nerve injury to his lower back. Mr. Doe was taken back into the operating room, this time for a full laminectomy. Unfortunately, Mr. Doe emerged from the surgery partially paralyzed. To this day he has limited bowel and bladder function and extremely limited lower extremity sensation. He will walk with difficulty for the remainder of his life.

At the time Mr. Doe underwent surgery, he and his wife owned a flourishing restaurant. They were also planning to start a family. As a consequence of this negligent, preventable injury, Mr. and Mrs. Doe lost everything, including their marriage. They divorced due to the stress and strain of Mr. Doe's permanent disability.

Experts hired by the plaintiffs evaluated the care rendered to Mr. Doe, and determined that he was never a good candidate for surgery in the first place. In addition, they determined that the surgery was performed negligently. While in the operating room, Mr. Doe had experienced excruciating pain. A laser technician, describing the event, stated, "The patient screams of pain and jerking around the table, became so severe that I was unable to keep him safely on the operating table..." It was learned that the anesthesiologist had suggested that the procedure be terminated, but Dr. X chose to

*Evaluation showed that  
Mr. Doe was not a good  
candidate for the surgery.*

can disable a patient's lower extremities, as well as interfere with bowel and bladder function. It is therefore common for a hospital to make sure a patient is neurologically intact before the patient is discharged.

When Mr. Doe's surgery was completed, he was transferred to a post-anesthesia recovery room. Unfortunately, he found he was unable to urinate. He was told he must remain in the

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have additional anesthetic administered so he could complete the surgery. For complying with Dr. X's wishes, the anesthesiologist was also deemed negligent. Experts also criticized other hospital personnel involved in the surgery, as well as the manufacturer of the laser itself.

In defending this case, Dr. X, arguing that the injury occurred post-surgery, blamed the hospital staff for allowing Mr. Doe to attempt to stand in the recovery room. The hospital staff, in turn, blamed Dr. X for negligently performing the procedure, as did the laser manufacturer. In essence, all the defendants began pointing fingers at each other.

Attorneys Chris Searcy and Earl Denney represented Mr. Doe for his injuries. Attorney Pat Massa from North Palm Beach represented Mrs. Doe, who remained a plaintiff in the case after the Does divorced. Defense counsel continued to shirk responsibility by arguing that Mr. Doe merely suffered a complication for which their clients were not liable.

On the eve of trial, Mr. Searcy, Mr. Denney, and Mr. Massa settled with Dr. X, the anesthesiologist, and the hospital for a combined sum in excess of \$4 million. The settlement was apportioned 90 percent for Mr. Doe and 10 percent for Mrs. Doe. ■