

Failure To Use Halo Device After Neck Fracture Repair Results In \$850,000 Settlement – Medical Malpractice – Surgery To Repair Neck Fracture – Halo Device Not Used Post- Op – Spinal Cord Injured – Arm, Leg Weakness – Prior Leg Amputation – \$850,000 Settlement

by dmc-admin

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Type of action: Medical malpractice

Injuries alleged: Severe weakness in arms and legs

Name of case: Confidential

Court/county: Confidential

Case no.: Confidential

Tried before: Mediation

Name of judge: Mediator was Mickey Herrin

Special damages: Plaintiff had no lost wages as he was disabled at the time of the alleged malpractice. Medical bills were approximately \$70,000.

Verdict/settlement: Settlement

Amount: \$850,000

Date obtained: November 2005

Demand: n/a

Offer: n/a

Experts: n/a

Insurer: Confidential

Plaintiff's attorneys: Bailey Melvin of the Melvin Law Firm, Greenville

Person submitting: Bailey Melvin

Description: The plaintiff was a 62-year-old male who had been disabled for approximately 30 years due to a leg amputation and problems with alcohol and drugs. He fell off the porch at his home and was diagnosed a month later with a fracture in his neck. Surgery was done to repair the fracture and plaintiff was placed in a neck collar and sent to the floor. Approximately 30 hours after the surgery plaintiff allegedly began to show signs of neurological problems; however, the nurses did not call the surgeon. The next morning plaintiff was found in his bed unable to move. X-rays showed the fracture had displaced and

injured his spinal cord. Plaintiff was left with severe arm and leg weakness after rehabilitation. Plaintiff's experts testified that the surgeon was required to place the patient in a halo device after the surgery until the fracture healed to guard against displacement. Plaintiff's nursing expert testified that the nursing staff was required to inform the surgeon of the signs of progressive neurological problems which had been discovered the night before. Defense experts argued that the standard of care did not require a halo device and that the hardware put in to repair the fracture during the surgery was normally adequate to keep the fracture from displacing. Defendants argued that some of plaintiff's neurological weakness occurred prior to the surgery due to his delay in getting proper medical attention and some medical records did indicate that the plaintiff was having difficulty walking prior to the surgery, according to plaintiff's counsel.

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