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From the February 14, 2000 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Medical Malpractice

Negligent Laparoscopic Gallbladder Removal - Probable Liver Transplant - Negligent Hernia Repair Claim - \$1.1 Million Settlement

Brief Statement of Claim: Negligent laparoscopic cholecystectomy, resulting in probable liver transplant

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Principal Injuries (in order of severity): Failing liver (on waiting list for transplant); severance of common hepatic duct; right hepatic artery; right hepatic duct; left hepatic duct; and common bile duct segment removed.

Hepaticojejunostomy via Roux-en-Y limb, release of small bowel obstruction, and small bowel stricturoplasty was performed at tertiary care facility in attempt to repair these injuries.

Special Damages: Past medical expenses: \$138,261; future medical expenses: \$340,000 to \$580,000; past lost wages: \$27,434; future lost wages: \$11,538 to \$18,456

Tried or settled: Mediation May 10, 1999 with Robert Beason; case settled Sept. 9, 1999

County where tried or settled: Wake

Case Name and number: *Identity of defendant physician and insurance carrier is confidential* (98 CvS 2709).

Date Concluded: Sept. 9, 1999

Name of Judge: n/a

Amount: Total settlement: \$1,000,000. Insurance limits from defendant doctor. Additional \$100,000 paid by carrier on potential negligent hernia repair claim

Insurance Carrier: Confidential

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiffs: Karen Rabenau and Don Beskind of Twiggs , Abrams, Strickland & Trehy, P.A., Raleigh

Other Useful Info: The plaintiff, then age 41, underwent a laparoscopic gallbladder removal performed by the defendant doctor. The defendant had repaired the plaintiff's hernia three months earlier.

During the gallbladder removal, the doctor severed the plaintiff's common hepatic duct, right hepatic artery, right hepatic duct, left hepatic duct, and common bile duct segment removed. These injuries were not discovered by the doctor during the procedure.

The following day, the plaintiff's liver enzymes were elevated, and the defendant doctor's partner transferred the plaintiff to a tertiary care facility for presumed bile duct injury. While there, extensive surgical procedures were attempted but were unsuccessful in repairing the damage.

During the initial repair procedure, the doctors discovered a small bowel obstruction. The plaintiff also alleged that the doctor's negligent hernia repair caused the small bowel obstruction.

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