

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Statewide Jury Verdict Coverage - Published Monthly

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Alabama's Jury Verdict Reporter Since 2001

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Medical Negligence - A golf pro who underwent laser treatments at a dermatology clinic for accumulated sun damage to her skin claimed the procedure left her with permanent scarring; plaintiff sued the clinic and its owner on a theory of vicarious liability and alleged that the technician who performed the procedure did so incorrectly

Bjuro v. Bender, et al., 16-900418

Plaintiff: Stephen D. Heninger and Anna M. Carroll, *Heninger Garrison Davis, LLC.*, Birmingham

Defense: D. Brent Baker and Ross A. Frazer, *Frazer Greene Upchurch & Baker, LLC.*, Mobile

Verdict: Defense verdict

Circuit: **Baldwin**, 10-14-21

Judge: J. Clark Stankoski

Golf pro Anna Bjuro began teaching golf at the Holly Hills Golf Course in Bay Minette in the spring of 2013. Bjuro also worked as an equipment representative for the Callaway Golf Company. In the latter role, Bjuro was required to attend various demonstration events where customers would be fitted for golf equipment.

Over her years of playing competitive golf Bjuro grew concerned about the possible effects of sun damage to her skin. In December of 2012 and again in January of 2013 she consulted with a dermatologist and underwent laser/IPL (i.e., "Intense Pulsed Light") treatments.

Bjuro was pleased with the results of these treatments and considered having more. As it happened, her work as a golf pro and a golf equipment representative brought Bjuro repeatedly into contact with dermatologist Dr. Thomas Bender,

III.

Dr. Bender is a successful dermatologist who owns the Advanced Dermatology & Skin Care Centre with offices in Mobile, Daphne, and Bay Minette, as well as four locations in Florida. After encountering each other so often at various golf-related events, Dr. Bender and Bjuro became friends.

When Bjuro decided to have more laser/IPL treatments, she did so at Dr. Bender's clinic. Her first treatment with him was on 3-9-15 and focused on her face, neck, and chest. The procedure was performed by a technician rather than by Dr. Bender himself.

The process involved the preliminary application of a gel to the area that was to be treated. The technician then entered certain data into the laser controls. The entry of that data then automatically determined other settings. Once the settings were finalized, the laser was activated.

Bjuro was again pleased with the result of the treatment. She was so pleased, in fact, that she scheduled another treatment for her arms. Bjuro was aware from her prior experience with these treatments that it was important she not be tanned prior to the treatment. She therefore scheduled her next treatment for November because she expected not to have a tan during that time.

Bjuro's second treatment with Dr. Bender's clinic was on 11-5-15 in the clinic's Daphne office. Although Dr. Bender was in the office that day, the procedure was once again administered by a technician.