

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 woman underwent a breast reconstruction surgery following a double mastectomy related to breast cancer; the woman blamed her post-operative complications in part on her plastic surgeon's decision to implant a mesh product contrary to her instructions

Brooks v. Outlaw, et al., 16-901036
Plaintiff: John D. Richardson and Abby M. Richardson, *Richardson Law Firm, LLC*, Fairhope

Defense: Robert P. MacKenzie, III and W. Christian Hines, III, *Starnes*

Davis Florie, LLP., Mobile

Verdict: Defense verdict

Circuit: **Mobile**, 5-31-22

Judge: Jay A. York

In 2014, Tawni Brooks was dealing with diagnosis of breast cancer. As part of her treatment Brooks was scheduled to undergo a double mastectomy at Springhill Medical Center in Mobile. The plan was that she would have the mastectomy, an abdominal surgery, and then a breast reconstruction surgery all during the same session.

The breast reconstruction surgery was to be performed by a plastic surgeon, Dr. Kitti Outlaw. Prior to the surgery Brooks conferred with Dr. Outlaw about the procedure. She claims that she specifically instructed him not to use a mesh implant in her body.

The surgery was performed on 5-19-14. Dr. Outlaw did in fact use a mesh product that had been manufactured by a company called Atrium Medical Corporation. He also used a product called SurgiMend manufactured by a company called Integra LifeSciences Corporation.

Brooks would later allege that the use of the mesh and SurgiMend products led to post-operative complications. These complications included the disintegration of the mesh. Additionally, Brooks developed an infection that she attributed to the use of the products. She had two subsequent surgeries in an effort to correct the problems. However, Brooks states that she continues to suffer from the complications.

Brooks filed suit against Dr. Outlaw and his medical group, Kitti Outlaw, M.D., P.C., and criticized Dr. Outlaw for his use of the mesh product contrary to her instructions. If Dr. Outlaw had followed her instructions, Brooks would not have suffered the resulting complications. Brooks's husband, Bobby Brooks, also made a claim for his loss of consortium.

Plaintiffs also named as co-defendants several other entities that were involved in Brooks's treatment. They included Atrium Medical Corporation and Integra Corporation and Johnson & Johnson, Inc. and a company identified as Ethicon, Inc.

Integra filed a motion for summary judgment, which the court denied. Integra then filed a petition for a writ of mandamus to the Alabama Supreme Court. The state high court granted the petition in part and denied it in part.

The effect of this decision was that Integra remained in the case on only one count. However, Brooks ultimately stipulated to the dismissal of all defendants except for Dr. Outlaw and his medical group. Against those defendants she alleged