

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

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Statewide Jury Verdict Coverage

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Louisiana including court, division, presiding judge, parties, case number, attorneys and results.

Medical Malpractice - As a part of chin liposuction the plaintiff was given what was supposed to be a routine saline IV – in fact the saline was marked “for training use only” and was actually contaminated – the plaintiff became ill immediately after receiving the IV and suffered septic shock among other complications

Miremont v. Aesthetic Medicine and Anti-Aging Clinic, 655888

Plaintiff: Craig S. Watson,
Baton Rouge

Defense: Karen P. Holland, Melissa M. Lessell and Blair E. Boyd, *Deutsch Kerrigan*, New Orleans and Jason R. Cashio, *Kean Miller*, Baton Rouge

Verdict: \$181,000 for plaintiff less 40% comparative fault

Parish: **East Baton Rouge**

Judge: Trudy M. White

Date: 12-10-21

Timothy Miremont treated on 12-13-14 at Aesthetic Medicine and Anti-Aging Clinic in Baton Rouge for a vaser liposuction reduction of his neck and chin. The clinic is operated by Dr. Todd Howell. There was proof that in the weeks before Miremont’s visit there was a national shortage of saline.

Howell tasked his office manager with sourcing saline. The manager went online and found a supplier, Moore Medical which distributed Chinese-manufactured saline for Wallcur. She bought 24 bags and they were delivered in mid-December.

Miremont’s procedure was about to begin and Howell ordered that Miremont be given a routine saline IV. Immediately after the saline was

administered, Miremont became ill. Howell recognized this and arranged an immediate transfer to a hospital for Miremont. Miremont was in septic shock and suffered organ failure among other complications. Although Miremont recovered, he endured a grueling and painful course.

What had happened? The Chinese saline sourced off the internet was contaminated and wasn’t actually saline at all. While it mostly looked like ordinary saline, it was marked to be used for training purposes only. There was also an indication that the product was not for human or animal use. Aesthetic Medicine staff had failed to appreciate this indication.

Miremont sued Howell and the clinic and alleged malpractice in administering the contaminated product. His proof cited the office manager was negligent in sourcing the saline and then the clinic negligently administered it. The plaintiff’s identified expert on the standard of care was Dr. Darrell Henderson, Plastic Surgery, Lafayette.

The case was submitted to a Medical Review Panel comprised of Drs. Tammy Davis, Stephen Maguire and Leslie Coffman. The panel concluded there was no deviation, the clinic ordering the saline from a known distributor and clinic staff reasonably believed the product was sterile. Davis and Maguire testified at trial for the defense. The defense also blamed Wallcur and Moore Medical, citing their “incomprehensible errors” in shipping the misleadingly labeled product.

entered for the plaintiffs, the judgment also dismissing the UIM claims.

Duncan has since moved for JNOV relief and traced his medical proof. He suggested an award of general damages in the sum of \$400,000. Cooper has opposed the motion and argued the jury simply didn't buy his case. She also that argued if the plaintiff's argument was accepted, i.e., that the general damages were inadequate in light of the medicals, this would lead to a perverse incentive where plaintiffs would "run up" their medical bills to receive a larger award of general damages. Cooper has also moved to remit the plaintiffs' verdicts, arguing they were excessive in light of this minor collision. Both Duncan's motion (he's the only plaintiff to seek JNOV relief) and the defense remittitur motion were pending at the time of this report.

Medical Malpractice - The plaintiff suffered an infection complication following a hip replacement surgery – she blamed her orthopedist for failing to advise her of the risks of his proposed revision repair plan which she alleged led to additional complications

Martin v. Meyer, 809180

Plaintiff: M.H. "Mike" Gertler and Jeremy N. Gittes, *Gittes Law Firm*, New Orleans

Defense: Don S. McKinney and William K. Wright, IV, *Adams & Reese*, New Orleans

Verdict: Defense verdict on liability

Parish: **Jefferson**

Judge: Donald "Chick" Foret

Date: 12-8-21

Christy Martin treated in

September of 2014 for hip pain with an orthopedist, Dr. Mark Meyer. He diagnosed osteoarthritis and recommended a hip replacement surgery. It was performed on 10-3-14 at the Ochsner Clinic, Meyer installing Stryker brand hardware.

Martin suffered a hip dislocation three weeks later and reported to the ER. She suffered three more dislocations in November of 2014. Meyer performed a revision surgery on 12-12-14. Martin's symptoms persisted and she consulted again with Meyer in February.

Testing on 2-18-15 indicated that Martin had a rare bacterial infection, a so-called *Serratia Marcescens*. Meyer consulted with an infectious disease specialist who recommended a two-part repair. In the first part of the repair, the hip replacement hardware would be removed and the joint fully cleaned. Then in the second part of the surgery, the hardware would be reinstalled.

Meyer had a different plan. Rather than a two-stage revision, he recommended just a debridement before revising the hip replacement. Another doctor (Meyer's partner) performed this surgery – however Martin had relied on Meyer's recommendation in selecting this surgical method.

The infection persisted and Martin continued to have problems. A third orthopedist performed the two-stage revision in April. Beyond having an additional surgery (she could have had the two-stage procedure in February), she has continued to complain of problems with her hip.

Martin sued Meyer and Ochsner Clinic in Orleans Parish (the case was later transferred to Jefferson Parish) and she alleged medical error by him in a variety of ways. That included

criticizing the technical performance of the initial hip replacement and linking the infection to a contaminated surgical instrument in the December 2014 surgery.

Ultimately as the case was tried to the jury, Martin's theory was narrowed. She targeted Meyer alone and cited an informed consent error. Particularly she alleged that Meyer should have recommended the two-part revision in February as recommended by the infectious disease specialist. Martin's reliance on Meyer's recommendation led to an additional surgery and ongoing complications. Martin's experts were Dr. Brandon Boyce, Orthopedics and Dr. Jeffrey Hobden, Infectious Disease.

A Medical Review Panel was assembled. It consisted of Drs. Joseph Finstein, Mark Juneau and Daniel Gallagher. It exonerated Meyer. The defense of the case argued that Martin was a difficult patient with a history of avascular necrosis in her hip and the bacteria was extremely rare. Meyer further defended that it was reasonable to irrigate and debride the hip before attempting a two-stage repair surgery. Moreover the result was the same, that is if the debridement didn't work (it didn't but it was a reasonable recommendation), Martin was still going to need a two-stage revision.

This case was tried for two days in Gretna. The court's instructions asked if Martin had proven the applicable standard of care including failing to obtain informed consent. The jury said "no" and thus didn't reach if Meyer had breached that standard. A defense judgment was entered.