# The Virginia Jury Verdict Reporter

The Most Current and Complete Summary of Virginia Jury Verdicts

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## March 2015 Highlights

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## Civil Jury Verdicts

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

## Medical Negligence - An orthopedist perforated the plaintiff's ureter (leading to significant complications) during a diskectomy procedure to treat an L4-5 disc bulge – the plaintiff's experts had never heard of such an injury before in this type of surgery – the defendant countered that regardless of how the surgery was performed, his technique met the standard of care

*Gillespie v. Thawrani*, 13-1199
Plaintiff: Charles H. Smith, III and Les S. Bowers, *Gentry Locke Rakes & Moore*, Roanoke
Defense: Ronald P. Herbert and Todd Anderson, *Herbert & Satterwhite*, Richmond
Verdict: $300,000 for plaintiff
Court: **Tazewell Circuit Court**
Judge: Jack S. Hurley, Jr.
Date: 12-10-14

Laura Gillespie presented to Dr. Dinesh Thawrani, an orthopedist, with complaints of radiating low-back pain. The symptoms were related to a disc bulge at L4-5. Following a failed course of conservative therapy, Gillespie elected to undergo a posterior diskectomy.

Thawrani performed the surgery on 11-7-12 at Clinch Valley Hospital. During the course of the procedure Thawrani completely transected Gillespie's left ureter. The physician failed to identify the injury either during the surgery or after it.

Immediately upon awaking from the surgery Gillespie reported significant abdominal pain. The ureter injury was identified and Gillespie was transferred to a larger tertiary care facility. There a minimally-invasive urologic procedure failed to reconnect the severed left ureter.

Because it could not be repaired in that manner, Gillespie underwent an exploratory laparotomy to find and repair the transected ureter with a stent. Following that first repair surgery Gillespie underwent a second surgery to remove the ureteral stent. Her course was complex and she missed two weeks of work. Gillespie was left with a permanent 12-inch abdominal scar and continues to report urinary symptoms.

In this lawsuit Gillespie alleged error by Thawrani in performing the surgery. Her experts, Dr. James Vascik, Neurosurgery, Roanoke, VA and Dr. Jonathan Graves, Orthopedics, New Haven, CT, (in their combined 40 years of medicine) had never heard of a ureter injury occurring in this type of surgery.

Thawrani defended that his surgical technique (as recorded in the operative notes) indicated he complied with the standard of care. It was also his proof that there was literature suggesting a ureter injury could occur as a result of this kind of surgery. The defense experts were Dr. Abilio Reis, Orthopedics, Richmond and Dr. Keith Maxwell, Orthopedics, Asheville, NC.

The defense had also sought to introduce proof about a theory that the patient had a defect in her anterior annulus that made it possible for

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**Hopewell Circuit Court**
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**Virginia Beach Circuit Court**
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