

Kentucky Trial Court Review

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Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

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

Medical Negligence - A teenage girl (age 14) suffered a serious lower extremity injury (high ankle sprain and tib-fib fracture) in an icy slip and fall at her high school – she blamed her orthopedist for not using hardware to set the fracture in his initial surgery, which led to a subsequent repair 10 months, a long recovery and a lifetime of pain and complications – the case was tried to a jury 16 years after the fall (the plaintiff is now 30) and a London jury returned a defense verdict for the orthopedist

Hildebrant v. Belhasen, 14-463

Plaintiff: E. Liddell Vaughn, *Anderson & Vaughn, Louisville*

Defense: Benny C. Epling, II and S. Brent Black, *Epling Law Office, Lexington*

Verdict: Defense verdict on liability

Court: **Laurel**

Judge: Michael O. Caperton

Date: 4-30-26

Kamryn Baker (now Hildebrant) was 14 on 2-12-20 and was a student at North Laurel High School in London. The parking lot was covered with black ice. Hildebrant slipped and suffered a severe high ankle sprain. She also tore ligaments and had a tib-fib fracture. This was a serious injury.

Hildebrant was taken to the ER at Baptist Corbin. The ER physician splinted her leg. He also

Conclusions and Plan: It is my opinion and, within a reasonable degree of medical probability, after review of the medical records and physical examination performed today, that Kamryn Baker suffered complex left ankle fracture with disruption of distal syndesmotic ligament on February 12, 2010. It is my

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opinion and, within a reasonable degree of medical probability, after review of the medical records and physical examination performed today, that treatment provided for Kamryn Baker, specifically subsequent 2nd surgery to be necessary for recurrent widening of the left lower leg syndesmosis and medialization of the left tibia. As a direct result of slip and fall on ice on February 12, 2010, Kamryn Baker has suffered new limitations and restrictions which include commonsense avoidance of prolonged standing and walking, and avoidance of high impact activity left leg requiring periods of rest and elevation and infrequent use of compression stocking. Using the fifth edition AMA Guides to the Evaluation of Permanent Impairment, this patient has suffered a 4% whole person impairment, calculated from Table 17-31 on page 544 confirmed with Table 17-38 on page 554. It is my opinion that this patient, despite appropriate previous conservative treatment performed, would significantly benefit from additional medical treatments with estimated costs, which include:

A portion of the plaintiff's expert disclosure from Dr. McEldowney

communicated with a local orthopedist, Dr. Ronald Belhasen. It was a Friday and the plan was for Belhasen to see her the following Monday.

Belhasen saw Hildebrant that Monday. There would be fact disputes about what occurred. Hildebrant recalled she was never told about the possible need for a plate and screws to be inserted to fix the fracture. Her family also remembered the doctor's focus was the ankle sprain. Belhasen countered that he explained an open reduction with hardware was a possibility, but he hoped to avoid that by achieving a good reduction with proper anatomic alignment by only addressing the ankle issue.

That fact dispute aside, Belhasen operated the next day. He concluded

(he considered this fortunate) that an open reduction with a long and deep incision (fraught with risks and complications) would not be necessary. He reduced the ankle with the Athrex Tightrope method. The bones in the fibula fracture came together and Belhasen believed they would heal on their own.

That's not how it worked out. By the summer of 2010, it was clear radiographically that a problem was developing and Hildebrant would need a second surgery. She initially declined a repair surgery but after consulting with two orthopedists who indicated she needed it, Hildebrant consented. The procedure was performed on 12-28-10 by Dr. Lisa Degnore, a Lexington orthopedist. She placed a plate and