

The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

August 2024

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 - The plaintiff alleged a lack of informed consent by her urologist in performing a vaginal sling surgery in 2009 where she suffered a positioning injury to her sciatic nerve – the doctor admitted fault in 2016 and paid his \$100,000, the case continuing to trial eight years later against the PCF with the doctor as a nominal defendant – the jury resolved the case finding on the first query that the plaintiff’s had not proven damages over \$100,000

Anglin v. Cline, 569316

Plaintiff: Susan E. Hamm, Shreveport

Defense: Walter F. Clawson, Shreveport

Verdict: Defense verdict on damages

Parish: **Caddo**

Judge: Christopher T. Victory

Date: 7-13-24

Donna Anglin, then age 57, had a urinary continence and other related issues. She consulted in 2009 with a urologist, Dr. Kevin Cline, who suggested a vaginal sling (Pinnacle Mesh Kit) procedure. It was performed on 8-28-09 at Christus Schumpert Health Systems. The procedure (done in a so-called dorsal lithotomy position) was apparently uneventful.

However when Anglin awoke from the surgery, she had radiating pain to her calf. She has continued to suffer from permanent and debilitating pain in her lower extremity related to a sciatic nerve injury. It was alleged the injury was

sustained because of a positioning error.

A Medical Review Panel (consisting of Drs. Dennis Venable, James Unger and Christopher Miciotto) was assembled in 2012. It concluded that Cline had violated the standard of care. Anglin sued a year later and alleged malpractice by Cline. The error was characterized as failing to provide informed consent in that a positioning injury was a complication of the surgery. Cline folded his cards in 2016 and paid his \$100,000 limits. The case continued against the Patient’s Compensation Fund (PCF) (Cline was now a nominal defendant) up to the \$500,000 policy limits as required by Louisiana’s malpractice scheme.

Thus as the came to trial (eight years after Kline settled and nearly fifteen years after the surgery) and Cline having admitted fault, the only question was damages. However there was a prefatory question to the jury valuing those damages. The issue was: Had Anglin proven she suffered damages that exceeded \$100,000 that were caused by a Cline’s breach of the standard of care.. If the jury answered “no” to this question, the deliberations would end.

Anglin developed proof that she suffered a permanent injury that has limited her once active lifestyle. She relies on several experts to confirm that injury and her damages including, Dr. Howard Katz, Physical Medicine, Dr. Tracey Wilson, Urology, Dr. Steven Arkin, Neurology

\$250,000 policy limits.

Medical Malpractice - A surgeon was blamed for a delay in performing an appendectomy, the delay leading to a rupture of the appendix and a more complex course of recovery

Alexander v. Santiel et al, 713126

Plaintiff: J. Neale DeGravelles and David Abboud Thomas, *Walter Thomas Cullens*, Baton Rouge

Defense: Chris J. LeBlanc and Hunter J. Tassin, *Watson Blanche Wilson & Posner*, Baton Rouge

Verdict: \$61,990 for plaintiff against Santiel; Defense verdict on liability for Bourgeois

Parish: **East Baton Rouge**

Judge: Wilson E. Fields

Date: 8-1-24

Michael Alexander had pain in his right upper abdomen on 1-30-15 through the day. It became unbearable in the evening and Alexander reported to the ER at Lane Regional Medical Center in Zachary at 10:05 p.m.

Alexander was evaluated and a CT scan taken. It revealed a complicated appendicitis. Dr. Francisco Santiel was the on-call ER physician and he was advised of Alexander's condition near midnight. Santiel believed that Alexander was stable and made a plan to perform an appendectomy the next morning.

Santiel performed the appendectomy the next day near noon. This was some 12 hours after he first learned of the appendicitis. During the procedure Santiel identified that appendix had ruptured. In the days following the surgery (it was a success), Alexander developed an abscess at the location of the appendicitis. A second surgeon, Dr. Danny Bourgeois, was

involved in Alexander's care following the appendectomy.

By 2-13-14, Alexander had lost faith with his medical team at Lane Regional and requested a transfer to a Baton Rouge Hospital. Alexander was hospitalized there several more days. However Alexander described he suffered a protracted, tortuous and unnecessarily hospital stay and recovery.

The "why" of that recovery was the issue in this case. Alexander alleged that Santiel erred in delaying the appendectomy for 12 hours and in that intervening period, the appendix ruptured. The theory continued that if Santiel had performed the surgery immediately, the complex recovery period would have been avoided. Alexander linked \$50,130 in medical bills to the additional hospitalization. Alexander also blamed Bourgeois for failing to do post-surgical imaging sooner to identify the abscess. Alexander's surgical expert was Dr. Vadam Sherman, Houston, TX.

The case was presented to a Medical Review Panel in August of 2021. It was comprised of Drs. Stephen Gordon, Thomas Cook and Michael Puyau. The panel concluded on the first evening that Alexander was stable and thus it was reasonable to hydrate him with fluids in anticipation of the surgery the next day. Bourgeois' timing on follow-up and imaging was also described as reasonable.

The defendants relied on Gordon and Cook as his experts at trial. Santiel expanded on their opinion that upon Alexander's presentation on the evening of 1-30-15, his vitals were stable and there was no evidence of a perforation on the CT scan. It was only in the surgery the

next day that Santiel noticed a perforation. Why wasn't it seen on the CT scan? Santiel explained the perforation of the appendix was "walled off" and thus was not visible on the CT scan. Bourgeois also denied the timing of the post-surgical imaging was malpractice or that it contributed to any injury.

This case was tried for four days in Baton Rouge. The jury answered that Santiel breached the standard of care and separately that this breach caused injury to Alexander. Bourgeois was exonerated on liability.

The jury went to damages as to Santiel only. Alexander took medical bills of \$50,130 and lost wages of \$1,860. While the jury rejected any award for Alexander's pain and suffering and loss of enjoyment of life, he took \$10,000 for mental anguish. The verdict for Alexander against Santiel totaled \$61,990. At the time of this report no final judgment had been entered.