

VIRGINIA LAWYERS WEEKLY

Vol. 30, No. 48

valawyersweekly.com

May 2, 2016

VERDICTS & SETTLEMENTS

Plastic surgeon removes too much tissue in abdominoplasty and liposuction procedure

\$1,800,000 Verdict

A 57-year-old woman with a history of failed gastric bypass underwent a breast reduction, abdominoplasty with panniculectomy, and liposuction. Over the next six weeks, the surgical wound deteriorated, developing necrosis while the defendant plastic surgeon saw the patient, reassured her and waited for the wound to “declare.” After a seroma ruptured, the patient went to the ER in Norfolk, where another plastic surgeon took over care and began debriding the wound. He planned a definitive debridement two weeks later.

The plaintiff’s standard of care expert testified the defendant simply over-did it – he took out too much tissue, tissue where he knew the blood vessels lived. The tissue he left slowly died without vital oxygen because the surgeon cut off blood supply. The patient was left with severe lower abdominal scarring and dis-



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figurement, which would require revision surgery. (The breast reduction was done properly and was not an issue in the case.)

On pretrial motions the plaintiff succeeded in keeping out “risks of the procedure” and “known complications” because informed consent was



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not an issue, although the defendant kept trying to get around that by referring to “red flags” and “concerns.”

The defendant’s standard of care expert testified that although he had never seen an injury like this to one of his patients, the defendant’s actions still fell within the standard of care. An infectious disease expert testified for the defendants that the patient did not have a systemic infection.

The defendant testified the plaintiff had been “loyal” to him before she saw another plastic surgeon in Norfolk. He insisted that if she had not gone to Norfolk, he would have debrided the wound himself, which he had already scheduled to do, and we would not have ended up in court.

After a three-day trial, the jury deliberated for three and a half hours before returning a verdict of \$1.8 million.

[16-T-060]

Type of action: Medical Malpractice

Injuries alleged: Severe lower abdominal scarring and disfigurement, which will require revision surgery.

Name of case: Munoz v. Williams, M.D., et al.

Court: Richmond City Circuit Court

Case no.: CL14-2147

Tried before: Jury

Name of judge or mediator: Hon. Gregory L. Rupe

Date resolved: Mar. 25, 2016

Special damages: \$49,938.00 in past medical bills and \$60,000.00-\$100,000.00 in future medical bills.

Offer: none

Verdict or settlement: Verdict

Amount: \$1,800,000.00

Attorneys for plaintiff: Lee Livingston, Lisa Brook and Ellen Bogнар, Charlottesville

Plaintiff’s experts: Darrell L. Henderson, MD

Defendant’s experts: Byron Poindexter, MD, David S. Yoho, MD