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Representative Jury Trials

Herbert Moore, individually and as the husband and Administrator of the Estate of Rosemary Moore, deceased v. Dr. Sonu G. Singh, M.D., Peachtree State Nephrology Inc. (State Court of Henry County): Four day trial ending with a directed verdict for the defense on the issue of causation. Represented a nephrologist who admitted a patient in acute renal failure. Plaintiff alleged nephrologist failed to diagnose a non-displaced fractured tibia that progressed to a displaced fracture, requiring extensive surgery to repair.

Jontavious Jacquez Burdett, a minor, by and through his Parents and Next Friends Crystal N. Perdue-Burdett and Willie Burdett v. Alvin Lamar Sermons, M.D. Fictitious Defendants Numbers One Through Five (State Court of Fulton County): Week long trial ending with a defense verdict. Represented an OB/Gyn who delivered a baby by Cesarean Section. Plaintiff alleged that defendant physician negligently performed the C-section resulting in hypoxic ischemic encephalopathy (HIE) causing cerebral palsy and other neurologic deficits. Plaintiff sought in excess of \$1,000,000.00.

Fred Cantrell, As Surviving Spouse of Sandi L. Cantrell and Tracee English as Administratrix of The Estate of Sandi L. Cantrell v. Dekalb Medical Center, Inc., Michael A. Friedman, M.D., Southeastern Lung Care, P.C., Jeffrey Michaelson, M.D., Rana Rab, M.D., Radiology Associates of Dekalb, P.C., Gordon L. Hixson, M.D., and Henry J. Krebs, M.D., (State Court of DeKalb County): Ten-day trial ending with a defense verdict. Represented a rheumatologist who provided care and treatment to hospitalized patient. Plaintiff alleged that Dr. Friedman failed to appreciate signs and symptoms of deep venous thrombosis (DVT), resulting in patient's death.

E. Ronald Finger and Cheryl Finger v. St. Joseph's/Candler Health System, Inc. d/b/a St. Joseph Hospital, Inc., James G. Lindley, Jr., M.D. and Neurological Institute Of Savannah, P.C.; (State Court of Chatham County): Two week trial ending with a defense verdict. Plastic surgeon sued his neurosurgeon and hospital for visual loss following 6.5 hour spine surgery. Represented neurosurgeon who performed surgery and managed patient post-operatively. Plaintiff alleged that Dr. Lindley failed to adequately treat anemia and hypotension causing decreased blood flow to optic nerve resulting in development of ischemic optic neuropathy. Plaintiff sought in excess of \$8,000,000.00.

Anthony Reid Gantt and Linda Gantt v. Carol A. Klingenberg, M.D., and Peachtree Emergency Associates, PC; (State Court of Fulton County): Week long trial ending with a defense verdict. Represented emergency physician who treated patient for complaint of chest pain and determined it was gastric upset. Patient was discharged home. Plaintiff returned to ER 10 days later with a heart attack and alleged that Dr. Klingenberg failed to diagnose his cardiac arrest during first visit, resulting in loss of cardiac function.

John E. Goins v. Srinivasa K. Gorjala, M.D. and Surgery South, PC.; (State Court of Clayton County): Week long trial ending with a defense verdict. Represented a general surgeon who performed gallbladder surgery, and during procedure recognized injury to hepatic ducts and transferred patient for primary repair. Patient alleged Dr. Gorjala was negligent in his surgical technique resulting in additional surgeries and lengthy hospitalization.

Christopher D. Lund v. Albert F. Johary, M.D., P.C., and Mary Pat Gardner; (State Court of DeKalb County); Three day trial ending with a directed verdict in favor of the defense. Successfully represented a medical practice and its office manager in case alleging improper disclosure of HIV/AIDS information.

Gary Dean Mueller and Cathy Mueller, v. Jon L. Hyman, M.D.; David A. Schiff, M.D.; Peachtree Orthopaedic Clinic, P.A.; Joseph D. Weissman, M.D.; and Atlanta Neurological Associates, P.C.; (State Court of DeKalb County); Ten day trial ending with a defense verdict. Represented neurologist who examined patient for neurological complaints and referred patient to orthopedic surgeon for further evaluation. Plaintiff alleged that Dr. Weissman failed to timely complete proper diagnostic work-up for cervical spine stenosis resulting in paralysis.

Lisa G. Myers and Charles S. Myers, Jr. v. Ward V. Houck, M.D., Thoracic Surgery Associates, P.C., Stuart J. Simon, M.D., Srirami Paramesh, M.D., Georgia Lung Associates, P.C., Barbara E. Simler, R.N., Comfort A. Gbadebo, R.N., Wellstar Health System, Inc.; (State Court of Fulton County); Two week trial ending with a defense verdict. Represented two pulmonary/critical care specialists who managed critically ill patient in the ICU who developed severe infection following orthopedic surgery. Plaintiff alleged that Drs. Paramesh and Stuart failed to properly address fluid management in patient following chest tube placement in the lung parenchyma, leading to excessive bleeding and stroke, causing paralysis. Plaintiff sought \$14,500,000 in damages.

Kathryn Yarbrough and James Yarbrough v. Tamim Al-Kharrat, M.D., and Tamim Kharrat, M.D., P.C. (State Court of DeKalb County); Following three days of trial a settlement was reached bringing the matter to a close. Represented a pulmonologist who provided care and treatment to ICU patient. Plaintiff alleged that Dr. Al-Kharrat failed to obtain proper history and physical exam information indicating cervical stenosis, and that failure to appreciate signs and symptoms of cervical spine fracture led to paralysis.

Whitney Beaubian, An Incapacitated Adult, By and Through His Legal Guardian Traci R. Beaubian, v. Paul King, M.D., Metro Atlanta Neurosurgery, P.C., Lee Patterson, M.D., Kerrie Bossard, M.D., and Tenet Healthsystem GB, Inc., d/b/a, Atlanta Medical Center; (State Court of DeKalb County); Following a 3 week trial the jury was hung 11-1 in favor of defendant neurosurgeon. Represented neurosurgeon who cared for traumatic brain injury patient transferred to Atlanta following vehicle accident in the Dominican Republic. Plaintiff alleged that following transfer Dr. King failed to place a ventriculostomy in patient's brain, resulting in massive swelling and brain injury, causing profound neurologic deficits. Plaintiff sought \$20,000,000.00 in damages.

Alithia M. Bernatitus and T. Patrick Bernatitus v. Gordon Werbel, M.D. and General Surgeons of Gwinnett, Inc.; (State Court of Fulton County); Week long trial ending with a defense verdict. Represented general surgeon in gall bladder removal case. Plaintiff alleged that Dr. Werbel negligently performed surgery resulting in transected common bile duct requiring surgical repair and lengthy hospitalizations.

Vita Davis and Kenneth Davis v. Advanced Laparoscopic Associates, P.C., Alfred Bernard Johnson, M.D., Gopala Derebail, M.D., Emerginet, L.L.C., Emerginet-Henry, LLC, and Emory Healthcare d/b/a Crawford Long Hospital; (State Court of DeKalb County); Following 10 days of trial the jury hung 7-5 in favor of defendant general surgeon. Represented general surgeon who performed gall bladder removal surgery. Plaintiff alleged that Dr. Johnson failed to timely diagnose and treat a post-operative bile leak, causing decompensating congestive heart failure, leading to heart transplant.

Daphne Hardin v. Keith Dockery, M.D. and Buckhead ENT, LLC; (State Court of Fulton County); Week long trial ending with a defense verdict. Represented ENT surgeon who performed surgery to remove malignant neck mass. Plaintiff alleged that Dr. Dockery failed to remove a rubber-band drain during post-operative visit, resulting in delayed healing and disfigurement.

Laura Ruth Webb and Zack Webb v. Hugo D. Ribot, Jr., M.D., and Cartersville OB/GYN Associates, P.C.; (Superior Court of Bartow County); Week long trial ending with a defense verdict. Represented gynecologic surgeon who performed functional labiaplasty surgery. Plaintiff alleged that Dr. Ribot negligently performed procedure by removing too much tissue, resulting in pain and discomfort, and requiring extensive revision surgery.

Andrewline Wilkins v. Dr. Kevin D. Toon, Georgia Emergency Medicine Specialists, P.C., Athens Model Neighborhood Health Center, Inc., Dr. Gail Hurley; (Superior Court of Athens-Clarke County); Week long trial ending with a defense verdict. Represented emergency medicine physician who worked up patient for complaint of arm pain and discharged her home with instructions to see primary care physician or return to ER if gets worse. Plaintiff alleged that Dr. Toon failed to timely diagnose upper extremity blood clot resulting in amputation of left arm.

Ikhlas A. Muhei, individually as Executrix of the Estate of Basil K. Arif, Deceased v. Primary Care Partners, P.C., Bram D. Wieskopf, M.D., David Clark Ballard, III, M.D., and Northwest Georgia Gastroenterology Associates, P.C.; (State Court of Cobb County); Week long trial ending with a defense verdict. Represented medical practice for vicarious liability claims arising out of allegations that former employed physician failed to timely diagnose and treat prostate cancer, resulting in patient's death.

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