



BSPH congratulates attorneys Bret C. Perry and John S. Polito on their recent defense verdict in a medical malpractice pending in Cuyhoga County, Ohio.

The Plaintiff presented to the defendant-physician with complaints of a right great toe abscess. Plaintiff was a diabetic with preexisting peripheral vascluar disease. The defendant-physician provided medical treatment for the abscess and scheduled surgery for a later date to remove the entire toe-nail on the right great toe. Ultimately, the toe-nail was surgically removed. Unfortunately, over the ensuring months, Plaintiff developed mulitple complications including non-healing wounds on his right great toe that resulted in below -the-knee amputation. Due to the infection, non-healing wounds, and restiling amputation, Plaintiff claimed medical expenses in excess of \$700,000.

Plaintiff alleged that the defendant-physician was neglient in providing surgical treatment to remove the right great toe. Plaintiff claimed that the "safest" treatment option for a diabetic with known peripheral vascular disease was to closely montior and to treat medically. Due to the negligence, Plaintiff claimed he suffered the aforementioned below-the-knee- amputation. Plaintiff requested a verdict in excess of \$1,700,000.

In defense, attorneys Perry and Politio offered the testimony of a board certified Podiatry expert and Vasular Surgery expert establishing that the standard of care was met. In addition, the expert testimony established that the below-the-knee amputation was not the result of the surgery performed by the defendant-physician. Rather, the amputation was the result of unrelated wounds and the underlying co-morbidities of Plaintiff.

Following deliberations lasting less than one-hour, the jury returned a unanimous defense verdict in favor of the defendant-physicain.

