



BSPH congratulates Steven J. Hupp and Christopher F. Mars on obtaining a defense verdict this week for an Emergency Medicine physician in the Lucas County Court of Common Pleas. Plaintiff was a twenty-three year old man who, while intoxicated, dove into a four foot swimming pool and suffered a C5 comminuted burst fracture.

The EMS personnel failed to place a cervical collar on the patient. The Defendant physician admitted that he breached the standard of care by not immobilizing the patient's neck or diagnosing his fracture. After his transfer via life flight to a level one trauma center, Plaintiff was diagnosed with C5 quadriplegia.

At trial, Plaintiff presented testimony from the treating neurosurgeon, who opined that the failure of the Defendant physician to immobilize the patient resulted in continued movement in a highly unstable C5 fracture causing his quadriplegia. However, an effective cross-examination of the treating neurosurgeon showed that his opinions were inaccurate, both medically and factually.

The Defense then presented expert testimony from the most qualified neurosurgery expert in the case who testified that Plaintiff sustained a 75% crush of his spinal cord due to part of the C5 vertebral body moving backward at impact. This type of injury is permanent and cannot be reproduced in any other manner.

Plaintiff's economic damages totaled \$11.2 million dollars. Plaintiff's counsel requested a verdict in the amount of \$ 12.2 million dollars.



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