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## *Botched Surgery Results In Temporary Blindness*

David and Nancy Rogers were married for more than 20 years. They enjoyed a life filled with visits with their two children and three grandchildren, and vacations in North Carolina with friends. Mr. Rogers, who was a licensed pilot, also enjoyed flying planes.

For more than 15 years, Mr. Rogers worked as an electrician for his own company called Advanced Electric, Inc. Mr. Rogers was a hands-on electrician, working with his father as an apprentice.

In 1998, Mr. Rogers had been experiencing sinusitis, resulting in pain, irritation, and difficulty sleeping. After several months, he sought the guidance of a local otolaryngologist, Dr. X. The doctor suggested that Mr. Rogers undergo endoscopic sinus surgery, which is performed with a drill-like device called a hummer. The procedure entails clearing the sinuses with the hummer, and it requires skill and precision so that the eyes and nasal cavity are not damaged. Dr. X assured Mr. Rogers and his wife that the procedure would be “routine.” Dr. X said he had knowledge of other doctors having complications, but would proceed with caution to prevent contact with the eyes.

Dr. X performed the procedure at Hospital Y, and the result was disastrous. Dr. X penetrated the orbits of Mr. Rogers’ left and right eyes, resulting in severe artery damage and extensive bleeding. As a result of the damage to Mr. Rogers’ eyes, he was nearly blind for several months. Mr. Rogers was unable to work, drive, or fly.

Mr. and Mrs. Rogers sought the assistance of attorney Jack Scarola, who in turn sought the assistance of attorneys Darryl Lewis and Rosalyn Sia Baker. Soon after a lawsuit was filed, Mr. Lewis and Ms. Baker learned that Dr. X was concealing his whereabouts and refusing to answer the lawsuit. As a result, Dr. X’s insurance company took the position that it had no obligation to defend Dr. X, due to his failure to participate in the defense of the lawsuit. After years of litigation and diligent efforts to locate Dr. X, Mr. Lewis and Ms. Baker successfully settled the case at mediation with both the insurer of Dr. X and Hospital Y for a confidential amount. ■



**David and Nancy Rogers**