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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.

Omitting clients' names and/or defendants' names are the result of requests for anonymity.

Doctor Performs Surgery on Woman Without Her Consent

Louise Pereira was a 73-year-old great grandmother, living in Deltona, Fla. As a retiree, Mrs. Pereira lived on a fixed income from Social Security. She enjoyed swimming, working in her garden, spending holidays with her family, and socializing with her friends.

On November 7, 1997, Mrs. Pereira was admitted to Florida Hospital Fish Memorial to have routine surgery to remove and biopsy a mass from her right breast. As Dr. Thomas Largen began the surgery, a spark from the electrocautery unit he was using ignited vapors of an alcohol-based solution, called DuraPrep. This in turn caused the surgical drapes, which were placed on Mrs. Pereira, to catch on fire. Dr. Largen put out the flames on top of the drapes, but did not look beneath them, where the fire continued to burn.

Mrs. Pereira suffered first, second, and third degree burns to her flank, breast, and back. Upon learning about the botched surgery, the director of surgery and the risk manager of the hospital came to the operating room to investigate what had happened. They also took photographs of Mrs. Pereira's burns, without her consent.

After suffering the severe burns, Mrs. Pereira was sedated with morphine throughout the remainder of the day and into the night. The following morning, Dr. Largen performed additional surgery on Mrs. Pereira to excise the burn tissue. Mrs. Pereira was heavily sedated with pain medication at the time, and she therefore never gave a valid, informed consent for the additional surgery. As a consequence of the first botched surgery, coupled with the additional procedure, Mrs. Pereira suffered tremendous pain and suffering, disability, and disfigurement.

Attorney Butch Paul in Deland referred Mrs. Pereira's case to attorney Chris Searcy, who in turn sought assistance from his partner, John Shipley.

Mr. Shipley prepared the case for trial, which began on May 13, 2002. During the 14-day trial, six jurors listened to wrenching testimony about how the incident occurred and how Mrs. Pereira still suffers today. The most compelling evidence came when Dr. Largen testified live, in contradiction to his videotaped deposition, which was played on the first day of trial. On Friday, May 25, the all-female jury found Dr. Largen 70 percent liable and the hospital 30 percent liable, and awarded \$801,240 to Mrs. Pereira. In addition, Dr. Largen's insurance company will pay a large portion of Mrs. Pereira's attorney fees.

This was a very satisfying result for Mrs. Pereira and Mr. Shipley, especially since Dr. Largen's insurance company never offered a penny before or during trial. Some of the money, according to Mrs. Pereira, will be used to purchase a different health insurance policy. ■



Louise Pereira