



*(l-r) Margaret and Steven Rosenberg, with attorneys Karen Terry and Matt Schwencke.*

# \$2.4 million verdict for extensive injuries caused by botched colorectal surgery

In June 2018, Steven Rosenberg, a financial planner in his 60s, sought treatment from Palm Beach Urology Associates in West Palm Beach, Florida, for urinary retention. He was assigned to urologist, Frederick Muhletaler-Maggiolo, who prescribed a robotic simple prostatectomy. A simple prostatectomy involves removing an adenoma, a portion of a benign enlarged prostate. During the procedure, the doctor accidentally tore Mr. Rosenberg’s rectum. The doctor repaired the tear himself and completed the surgery. The doctor acknowledged tearing the rectum during the surgery.

Shortly after the procedure, Mr. Rosenberg noticed urine coming out of his anus and feces from his penis. Concerned about these symptoms, Mr. Rosenberg called the doctor’s office several times but received no response to his calls. At a scheduled follow-up appointment about a week later, Mr. and

Mrs. Rosenberg described to the doctor his symptoms and the doctor replied that those symptoms were impossible. The doctor briefly looked at the incisions, removed the catheter, and sent Mr. Rosenberg home. Later during trial, the doctor denied that Mr. and Mrs. Rosenberg had told him about his symptoms as they were not documented in his medical chart. However, the evidence showed that the entire appointment only took four minutes.

Once Mr. Rosenberg finally came to the realization that his urologist was not going to help him, he turned to his brother-in-law who, fortuitously, was a retired colorectal surgeon. His brother-in-law immediately knew that Mr. Rosenberg had a rectourethral fistula and proceeded to have him evaluated at Cleveland Clinic by one of the best colorectal surgeons in reparative surgeries in the United States. *(Continued on page four.)*

**IN THIS ISSUE:**

---

**Mass Tort Lawsuits:  
Ethicon & Covidien  
Surgical Staplers  
and  
Paraquat  
Herbicide**  
PAGES TEN AND ELEVEN

---

**Sia Baker-Barnes  
honored with  
ADL Jurisprudence  
Award and  
Judge  
Edward Rodgers  
Diversity Award**  
PAGE TWO

---

**20 Searcy Denney  
attorneys listed in  
The Best Lawyers  
in America  
for 2021**  
PAGE SIX

# School district held accountable for choking death of autistic student

**Settlement: \$2 million and mandatory training program**



In 2019, Kedar Williams was a 19-year-old student attending William T. Dwyer High School in West Palm Beach, Florida. An autistic teenager, Kedar was well known in the Palm Beach County School District having spent nearly all of his educational years in its schools. Kedar’s mother, Megan Williams, met with school teachers, aides, and the principal every year to inform them of Kedar’s medical and behavioral condition, to make them aware of his needs, and to ensure his needs would be provided. Each year, they developed Kedar’s Individual Education Plan (IEP) and included the year’s goals. It was written and signed by all of the parties.

In 2015, Kedar was at home eating dinner when he began severely choking on food and had to be rushed *(Continued on page five.)*

**Kedar Williams**

## School district held accountable for choking death of autistic student

*(Continued from page one.)*

to a hospital. Although placed on life support for several days, doctors were able to save Kedar. They ultimately determined that he had a swallowing disorder which put him at a high risk of aspiration – a potentially deadly condition occurring when food particles are inhaled into the lungs. To minimize the risk, doctors determined that Kedar would need one-on-one paraprofessional assistance at all times, especially while eating. Such assistance would include cutting food into small pieces, helping him to eat smaller bites more slowly, and watching for signs of choking. Megan Williams informed school personnel of these requirements both verbally and in writing, and her notes were included in Kedar’s IEP along with photos of Kedar’s previous choking crisis. For years, the School District had received special federal funding to provide paraprofessional assistance for students like Kedar. In August 2019, the beginning of the school year, staff at Dwyer High School realized that they did not have a paraprofessional available to directly supervise Kedar. Unbeknownst to Megan, Dwyer assigned one paraprofessional for both Kedar and another student who had significant special needs and who also required one-on-one attention. A lunchtime surveillance video from the cafeteria that day showed Kedar eating chicken nuggets alone without any monitoring or assistance. When Kedar started choking on his food, no one noticed until he fell to the floor. Emergency help was summoned and after a short delay Kedar was rushed to the hospital where he was pronounced dead. Megan and Kedar’s father, Jeffrey Williams, were devastated. The tragic death of their son happened despite years of warnings.

Searcy Denney attorney [Sia Baker-Barnes](#) represented Megan Williams and Kedar’s estate. Attorney Salesia Smith-Gordon represented Kedar’s father, Jeffrey Williams. Together, the team of attorneys conducted an extensive investigation, obtaining the surveillance videos, conducting witness interviews, and gathering evidence that demonstrated that the School District had engaged in a pattern of failure to provide adequate supervision for special-needs students. A year to the day Kedar died, the team filed a lawsuit against the School District with state claims alleging wrongful death and federal claims alleging violations of Kedar’s civil rights.

Under long-standing state law, most claims against governmental entities are subject to a limit of \$300,000 in monetary damages. Because the attorneys filed the federal civil rights claims, those limitations did not apply. Due to the federal claims and the overwhelming evidence in the



***Megan and her son Kedar.***

case, the School Board agreed to a rare settlement of \$2 million without any need for approval through special claims legislation. As part of the settlement, Ms. Baker-Barnes and Ms. Smith-Gordon insisted on requiring the School District to institute a new, district-wide program to mandate training of school personnel on feeding and swallowing disorders. The program also required immediate communication to parents of special-needs students when supervision is not available, and included excerpts from the video of Kedar’s choking incident as illustration of what can happen when supervision is not provided. The training program, “Kedar Elijah Williams Exceptional Student Education Program,” will begin at the 2021 school year. Megan and Jeffrey Williams hope the training program will ensure that no other parents will have to walk in their shoes.

---

**Due to the federal claims and the overwhelming evidence in the case, the School District agreed to a rare settlement of \$2 million without any need for approval through special claims legislation.**

---

The settlement and training program received national media attention and may serve as a model for protecting autistic students statewide. While they will forever miss Kedar, his parents are thankful that their attorneys held the School District accountable and that their actions may protect other special-needs students. The attorneys believe this case illustrates the ways attorneys can think outside the box and be creative and strategic in their approach to a case to make a real difference in the lives of their clients. ♦