

LOS ANGELES COUNTY**MEDICAL MALPRACTICE****Surgical Error — Post-Operative Care**

Plaintiff claimed that groin pain caused by sutured nerve

VERDICT	Defense
CASE	Rick Wells v. Dong-Soo Shin, M.D., No. VC044419
COURT	Superior Court of Los Angeles County, Los Angeles, CA
JUDGE	Patrick T. Meyers
DATE	10/13/2006
PLAINTIFF ATTORNEY(S)	Stuart Berkley , Berkley & Berkley, Encino, CA
DEFENSE ATTORNEY(S)	Raymond L. Blessey (lead), Taylor Blessey LLP, Los Angeles, CA Emily Spear , Taylor Blessey LLP, Los Angeles, CA

FACTS & ALLEGATIONS On May 14, 2004, plaintiff Rick Wells, 52, a supervisor/manager, went to the Whittier Presbyterian Intercommunity Hospital ER with complaints of right lower quadrant/groin pain. He was assessed, and it was determined that he had a recurrent, incarcerated right inguinal hernia,

SOUTH

which was surgically repaired by general surgeon Dong-Soo Shin.

About two months after the procedure, Wells started experiencing a pulling pain in his right groin.

On March 28, 2005, Wells underwent a second procedure at the Lichtenstein Hernia Institute performed by general surgeon Parvis K. Amid, who later claimed that Wells' ilioinguinal nerve was entrapped by a suture installed during Shin's surgery.

Claiming physical damages, Wells sued Shin for medical malpractice.

Wells claimed that Shin was negligent in the care and treatment of his inguinal hernia, and that this negligence caused the need for a second surgery.

Plaintiff general surgery expert Don J. Schiller opined that, during Shin's surgery to repair Wells' hernia, Shin encircled or entrapped one of Wells' nerves with a suture, causing the post-operative pain.

Shin disputed the allegations, contending that his treatment of Wells was performed within the standard of care, and that Wells' post-operative neuropathic pain was not caused by his negligence.

Defense general surgery expert Jordan Harold Goodstein opined that the standard of care did not require that a surgeon identify the nerves in a patient with a prior repair of a hernia due to the distortion of the anatomy.

Goodstein also opined that it was unlikely that Shin placed a suture around the ilioinguinal nerve based on a photograph of the nerve taken after Amid's surgery.

Goodstein also testified that the pathology report was silent as to a suture around or near the ilioinguinal nerve and the timing of the onset of Well's neuropathic pain was not consistent with Wells' theory of injury.

Goodstein said that, to a reasonable medical probability, Wells' symptoms were caused by the buildup of scar tissue on and around his nerves.

INJURIES/DAMAGES *groin; hernia*

Wells claimed longterm numbness in his groin. As most of his second surgery was paid for by insurance, Wells demanded a lump sum of \$150,000 for medical costs and pain and suffering.

RESULT The jury returned a defense verdict, finding that Shin's surgery met the standard of care.

OFFER Waiver of costs in exchange for a dismissal

INSURER(S) MIEGC for Shin

TRIAL DETAILS Trial Length: 9 days
Trial Deliberations: 1.5 hours
Jury Vote: 9-3 rejecting medical malpractice

**PLAINTIFF
EXPERT(S)** Don J. Schiller, M.D., surgery,
Los Angeles, CA

**DEFENSE
EXPERT(S)** Jordan Harold Goodstein, M.D., surgery,
Culver City, CA

POST-TRIAL Defense counsel will file a cost bill.

-Rob MacKay