

VERDICTS & SETTLEMENTS

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FRIDAY, DECEMBER 10, 2021

Verdict: Defense

Los Angeles Superior / BC680076

Topic: Medical

Subtopic: Malpractice

Defense – Yuk K. Law (Law & Brandmeyer LLP)

In July 2016, plaintiff Margarito Rios Sr., age 61, opened a letter from Facey Medical Group containing a positive ultrasound report of a right inguinal hernia, and the letter was addressed to Margarito Rios. Plaintiff took the letter with the positive ultrasound report to the general surgeon in October 2016, believing that it was his ultrasound. The general surgeon did another exam and found a small inguinal hernia, as well as an umbilical hernia. Plaintiff was offered, and he accepted, hernia repair surgery. During the surgery, a spermatic cord lipoma was found in the right scrotum, and it was excised and repaired with a mesh, as was the umbilical hernia.

Post-surgery, plaintiff experienced significant pain and swelling of his right scrotum, and he discovered that the letter and ultrasound report that he opened in July 2016 were for the study performed on his son, who lived with him and had the same name as his with the suffix Jr., but the letter did not contain the Jr. suffix.



MEDICAL

MALPRACTICE Unnecessary Surgery

Verdict: Defense

CASE/NUMBER: Margarito Rios, Sr. v. Facey Medical Group / BC680076

COURT/DATE: Los Angeles Superior / Oct. 27, 2021

JUDGE: H. Chester Horn Jr.

ATTORNEYS:

Plaintiff - Martin E. Stearn (Law Offices of Martin E. Stearn)

Defendant - Yuk K. Law (Law & Brandmeyer LLP)

FACTS: Plaintiff Margarito Rios Sr., age 61, had on and off right groin pain for about 20 years, and he at times felt a bulge. He consulted with a Facey Medical Group general surgeon in May 2016, but the general surgeon could not palpate an inguinal hernia. Because plaintiff had urinary tract complaints, the general surgeon ordered an inguinal ultrasound in advance of the urology consultation. Plaintiff was notified that inguinal ultrasound was normal and without evidence of a hernia. The urology consultant did not find any evidence of an inguinal hernia, but found benign prostate hyperplasia.

In July 2016, plaintiff opened a letter from Facey Medical Group containing a positive ultrasound report of a right inguinal hernia, and the letter was addressed to Margarito Rios. Plaintiff took the letter with the positive ultrasound report to the general surgeon in October 2016, believing that it was his ultrasound. The general surgeon did another exam and found a small inguinal hernia, as well as an umbilical hernia. Plaintiff was offered, and he accepted, hernia repair surgery. During the surgery, a spermatic cord lipoma was found in the right scrotum, and it was excised and repaired with a mesh, as was the umbilical hernia.

Post-surgery, plaintiff experienced significant pain and swelling of his right scrotum, and he discovered that the letter and ultrasound report that he opened in July 2016 were for the study performed on his son, who lived with him and had the same name as his with the suffix Jr., but the letter did not contain the Jr. suffix.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that Facey Medical Group was negligent in sending the July 2016 letter without the proper name of his son and, as result, he underwent unnecessary hernia repair surgery that had caused him pain and required a subsequent surgery in 2019 to remove the mesh.

DEFENDANT'S CONTENTIONS: Facey Medical Group contended that plaintiff already knew he had a negative ultrasound performed in May 2016 and that his son told him that he was waiting for the ultrasound report in the mail. Further, the surgery was medically necessary because plaintiff had a 20-history of groin pain, and the general surgeon was able to palpate a small protrusion in the right testes. Lastly, during the surgery a spermatic cord lipoma was found, and the excision and mesh implantation were necessary, as they were the same treatment for an inguinal hernia.

VERDICTS & SETTLEMENTS

INJURIES: Unnecessary surgery and resulting pain and suffering, a subsequent surgery to remove the mesh, and ongoing pain and mental suffering.

DAMAGES: Only non-economic damages were claimed.

RESULT: Defense verdict

OTHER INFORMATION:

Defendant will file a cost bill to recover costs and expert fees.

FILING DATE: Oct. 18, 2017