

## VERDICTS & SETTLEMENTS

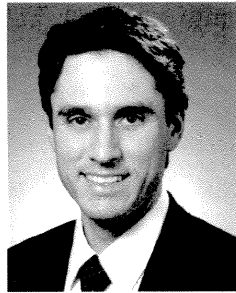
# Hip procedure causes severe nerve damage

### \$450,000 settlement

In 2005, the plaintiff, 64, experienced increasing pain and stiffness in his right hip. He was evaluated by an orthopedic surgeon who determined that he was a candidate for total hip arthroplasty.

On Sept. 13, the plaintiff underwent a total right hip replacement at a VA hospital. During the procedure, his sciatic nerve was lacerated. According to the operative report, the laceration was "probably caused by the electrocautery coming too close to the nerve." When the plaintiff awoke from surgery, he was numb from his hip to his foot and began to experience severe pain.

An EMG and nerve conduction study revealed that the plaintiff suffered sciatic nerve damage with severe right-sided



Catalano

sciatic neuropathy and severe axonal loss. The plaintiff experienced decreased sensation and motor function with foot drop and was given a multipodus boot and custom solid ankle AFO.

As a result of the surgery, he sometimes requires a cane to walk and has a compression dressing on his right foot up to his knee. He experiences persistent numbness and burning pain from his right knee to his toes.

The plaintiff alleged that the VA hospital and its agents, servants and/or employees deviated from the applicable standard of care when they caused discrete and definite damage to his sciatic nerve as a result of the use of an electrocautery tool.

The plaintiff also alleged that they failed to take necessary measures to

identify and protect the sciatic nerve from this type of injury, such as palpating and/or visualizing the sciatic nerve during surgery, using appropriate retraction or a lap pad and/or using the short external rotator hip muscles.

The case settled prior to filing suit.

**Type of action:** Medical malpractice

**Injuries alleged:** Sciatic nerve injury, foot drop

**Name of case:** Withheld

**Court/case no.:** Withheld

**Tried before judge or jury:** N/A (settled)

**Amount of settlement:** \$450,000

**Date:** Jan. 26, 2009

**Attorney:** Jeffrey N. Catalano, Todd & Weld, Boston (for the plaintiff)