

SPOHRER & DODD ATTORNEYS AT LAW

The Practice: MEDICAL NEGLIGENCE

Civilian Medical Malpractice • Defective Drugs & Medical Devices • Military Medical Malpractice

Medical Device Case Leads To Ground-Breaking U.S. Supreme Court Ruling

Our client, Laura Lohr, was a young woman implanted with a pacemaker manufactured by Medtronic. The device failed to operate properly and although Laura called Medtronic's 800 number, she received no response or assistance. The claim that ensued from the failure of what was marketed as a life-saving product became the contentious and well-documented case, "Lohr v. Medtronic."



United States Supreme Court

Medtronic's attorneys took the position that because the product was FDA-approved, the manufacturer could not be held liable for damages arising out of its failure to operate as specified. Arguing that defense's motion constituted "preemption" and was unjust, Bob Spohrer won the right to take the case to trial. This decision was appealed, and ultimately upheld by the U.S. Supreme Court. The court ruled that defective FDA-approved products are not immune from liability and prosecution in the civil justice system.

Bob and his team reached a confidential settlement with Medtronic that provided fair compensation for our client's damages and medical needs.

Our Team



Robert F. Spohrer

Bob Spohrer is board certified by The Florida Bar in Civil Trial and Aviation Law. Since admission to The Florida Bar in 1974, he has tried more than 100 cases involving medical and professional negligence, aviation accidents, defective products, and insurance law. He has obtained verdicts and settlements of more than 100 million dollars for his clients and is a member of the exclusive Inner Circle of Advocates, an invitation-only organization of the top 100 trial attorneys in the country.

ATTORNEYS DEDICATED TO MAXIMUM RECOVERY

- Spohrer & Dodd has strong experience and success in handling the highly-specialized challenges of civilian and military medical malpractice, and claims involving defective drugs and medical devices. Our medical negligence team includes Senior Partner Bob Spohrer who is board certified by The Florida Bar as a Civil Trial Specialist, and Senior Partner Roger Dodd, who is board certified by the National Board of Trial Advocacy in both civil and criminal practice.
- Our attorneys have obtained ground-breaking, multi-million-dollar trial verdicts and settlements in a broad range of cases, including negligence which occurs during surgery, child-birth, anesthesia administration, injection of medications, and the manufacture and implantation of medical devices.
- Spohrer & Dodd has a strong record of success in Federal Court representing the unique needs of military clients. Our attorneys have the knowledge and skill required to obtain maximum recovery while operating within the strict procedural requirements of The Federal Tort Claim Act – the laws and processes that govern cases against the U.S. government.
- Our firm's high level of commitment to prosecuting medical negligence claims is demonstrated by our in-house physician and registered nurse who review medical records, evaluate claims and advise us on all aspects of medical negligence. We also frequently consult with our network of proven experts – a resource developed over many years of practice in this field.
- Spohrer & Dodd is often called on by other attorneys locally and nationally to handle complex claims against doctors, hospitals, nurses, anesthesiologists, health care providers and facilities, and multi-national pharmaceutical companies.

The cases reported in this publication resulted in over \$11 million in fees shared with co-counsel.

Defective Drugs And Medical Devices

Our Team

Gretchen Van Liere



Ms. Van Liere, a partner in our firm, focuses her legal practice on medical negligence cases. She has successfully litigated medical negligence cases against civilian and military health care providers in Jacksonville and throughout Florida. Ms. Van Liere has obtained multi-million-dollar verdicts and settlements against doctors and hospitals and settled numerous Federal Tort Claims against military hospitals.

Chad S. Roberts



Chad Roberts is a partner in Spohrer & Dodd. His trial practice involves cases with complex procedural and technical issues: medical negligence, health care litigation, mass torts, aviation accidents, defective products. He has extensive trial experience in both state and federal courts, and has obtained multi-million dollar verdicts as lead trial counsel. Mr. Roberts is board certified by the Florida Bar as a Specialist in Aviation Law.

Galen D. Bauer



Galen Bauer's practice focuses on complex litigation and includes medical negligence, insurance disputes, products and premises liability, automobile and trucking accidents, and aviation mishaps. Mr. Bauer is admitted to practice in all Florida courts, the United States District Court for the Middle District of Florida, and the United States Court of Appeals, Eleventh Circuit.

Firm At The Forefront Of \$1.3 Billion Class Action Settlement With Sulzer Orthopedics

Sulzer Orthopedics, Inc. of Austin, Texas, manufactured defective artificial hip and knee products that were aggressively marketed to thousands of unsuspecting joint replacement patients across the country. Evidence shows that the company, once aware of the design flaws, worked to cover them up. They assured orthopedic surgeons that the products were safe to implant, knowing these patients would ultimately face painful major surgery to replace their defective artificial knee and hip joints.

Scores of victims injured by these products asked our firm to represent their interests. We filed both individual claims and the lead class action case for victims in Florida.



Bob Spohrer, Dr. Saul Weinstein, Gretchen Van Liere and Chad Roberts



Artificial Hip Replacement Device

Ultimately, all claims were consolidated into a Federal Class Action in the Northern District of Ohio. Attorney Chad Roberts was appointed by Federal Judge Kathleen O'Malley to help coordinate nationwide discovery activities and to serve as a liaison between national class counsel and counsel in other states throughout the country.

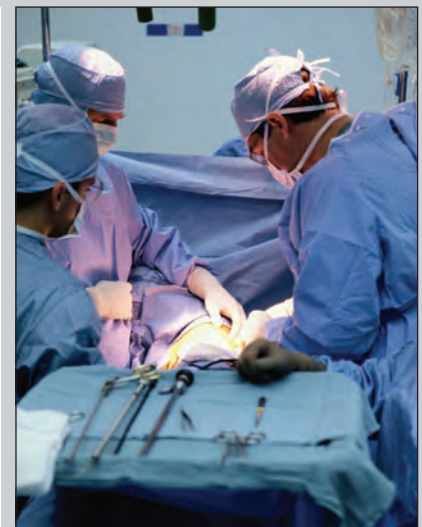
After many months of hard work by Chad Roberts and teams of attorneys representing the victims of Sulzer Orthopedics, a \$1.3 billion settlement plan was negotiated that provided substantial compensation to those whose artificial joints had failed or were likely to fail in the future.

Untested Medical Device Fails During Brain Surgery

Our client was undergoing brain surgery, his head being held up and in place by a BUDDE Halo Neurosurgical Retractor System, a device manufactured by Ohio Medical Company. During the delicate procedure the device broke, causing the patient's head to drop, putting him at serious risk.

Our firm's investigation of the claim that stemmed from this operating room mishap revealed that Ohio Medical had never put their neurological halo through an engineering analysis. This meant that the strength properties of the metal used in this product was never tested or proven safe for use in brain surgery – one of the most invasive and life-threatening surgeries performed by doctors.

Bob Spohrer explains: "Our client was seriously endangered by a company who marketed a product that was not engineered to safely fulfill its stated function." We negotiated a confidential settlement with the company on behalf of our client and the company no longer markets this product.



Civilian Medical Malpractice

Doctor's Negligence During Birth Process Results In \$1 Million Settlement

A Jacksonville couple's joy at the birth of their son was eclipsed by the horror and pain of the serious, permanent injuries the wife sustained due to a careless physician's negligence. Our attorneys represented the family, negotiating a \$1 million settlement with the responsible doctor.



Upon admission to the hospital, labor did not progress normally and the physician allowed nurses to try manipulating the unborn child to facilitate a vaginal birth. More than 15 hours of unsuccessful labor passed before her physician ordered

a Cesarean Section. In the operating room the physician told others that she felt faint and during the course of surgery cut through her patient's uterine artery.

After the delivery, the new mother was sent to recovery where her blood pressure began to drop and she lost consciousness. This was reported to her doctor, but it was more than an hour before the physician came in to do an examination. At this point the patient was suffering from internal bleeding and severe shock; her blood pressure and pulse had become dangerously low. Although her critical injuries were accumulating, the physician waited another 12 hours before attempting to repair the bleeding artery. The new mother suffered brain injury, damage to her reproductive systems and nerve damage to her lower extremities.

\$4.9 Million Verdict Awarded For Spinal Cord Injuries

Barbara Newman was a lung surgery patient. Upon awakening from her procedure, her first words to the nurse were, "I can't move my legs." Unbeknownst to her, foreign material left in her surgical site was compressing her spinal cord, slowly causing irreversible injury with every passing hour. The hospital staff and her surgeon did little to address the medical emergency. More than a day passed before a reasonable assessment of her symptoms began.

Ultimately, an MRI imaging study revealed the foreign material compressing Barbara's spine. Emergency surgery removed the substance, but the damage was done. Barbara was left with severe and permanent neurological injury and extraordinary medical care costs for the rest of her life.

Although the surgeon and hospital denied responsibility and blamed each other, Bob Spohrer and our medical negligence team took the case to a jury in a two-week trial. The jury evaluated the evidence and rendered a verdict of \$4.9 million in favor of our client.



Bob Spohrer, Dr. Saul Weinstein and Gretchen Van Liere

Settlement Covers Medical Needs Of Jail Inmate Beaten Into Persistent Vegetative State

A young man incarcerated in county jail for a minor offense had a chronic seizure disorder. The medical staff at the institution was aware of his condition. They were responsible for administering



Roger Dodd and Bob Spohrer

anti-seizure medicine to him on a regular schedule. They failed in this responsibility and the young man began to evidence behavior that was incorrectly interpreted by his guards as belligerent and violent. He was restrained and then transferred to a trauma center for evaluation.

When our client arrived at this facility in a police van, he was discovered by the triage nurse to be clinically dead. He had been thoroughly beaten by guards during the transfer and suffered broken ribs, a punctured lung and serious head injuries. Since that time, he has been in a persistent vegetative state, with little or no hope of making a significant recovery. He requires round-the-clock, life-sustaining care.

At the request of his family, our firm investigated the circumstances surrounding this tragic occurrence. Our team discovered evidence that proved the jail's medical provider failed to administer prescribed medications when they should have.

Attorneys Roger Dodd, Bob Spohrer and Galen Bauer ultimately brought the case to conclusion with a confidential settlement with all parties that provides for the young man's complete medical care for the remainder of his life.

Our Team

Dr. Saul Weinstein, Consulting Physician



Saul Weinstein, M.D. is a General and Vascular Surgeon. He is a past FAA Examiner and Flight Surgeon with forty years of experience in surgery and emergency medicine. Dr. Weinstein reviews cases, analyzes medical records, works with consulting doctors and tutors our attorneys in the complex medical issues involved in a wide variety of cases.

Marlene Williams, RN Legal Nurse Consultant



Marlene Williams has been an R.N. for over 35 years. Her understanding of hospital policies and procedures is invaluable in evaluating our clients' records. Additionally, she conducts medical research and identifies expert witnesses to consult on cases. She works tirelessly to educate our attorneys and staff on medical procedures.

Military Medical Malpractice

\$2.05 Million Verdict For Military Family

Doctors at Naval hospital Jacksonville told young Navy wife Angela Burch that the source of her chronic pelvic pain was "severe endometriosis" and could only be cured by a complete hysterectomy. Angela's subsequent surgery left her with debilitating pain much worse than when she had first sought medical help at the Naval Hospital.



Attorneys Chad Roberts and Gretchen Van Liere were experienced with the types of diagnostic and surgical procedures Angela had undergone. After filing a Federal Tort Claim our attorneys began to notice subtle but troubling inconsistencies in Angela's medical records.

At trial the real story emerged through the defendant's own testimony: Angela Burch never had "endometriosis" at all; the source of her chronic pelvic pain was a treatable disease of the bladder. Navy doctors actually knew this before Angela's unnecessary hysterectomy, but never told her. Gretchen Van Liere presented all of the damages testimony at trial, and a \$2.05 million verdict was rendered for Angela Burch and her family.

Our Team

Roger J. Dodd



Roger Dodd is an internationally-known trial attorney, author, lecturer, consultant and recognized expert on cross-examination techniques. He focuses his legal practice primarily on serious or catastrophic personal injury, wrongful death, trucking accidents and medical malpractice. Mr. Dodd is board certified by the National Board of Trial Advocacy in both civil and criminal practice and is a member of The Florida Bar and the State Bar of Georgia. Listed among the nation's most elite lawyers in The Best Lawyers in America, Mr. Dodd is co-author of the best-selling title ever published by the Lexis-Nexis publishing company: *Cross-Examination: Science and Techniques*.

\$1 Million Settlement Reached In Military Medical Malpractice Death Case

Jocelyn Foster was a 46 year-old mother of two when she entered the care of doctors at the Jacksonville Naval Hospital. She was admitted to this medical facility for help with menstrual pain; within three months she was dead from negligent surgical complications.

The chain of medical events that lead to the death of Jocelyn Foster began with her first visit to the Jacksonville Naval Hospital. She was referred to a gynecologist who scheduled a total hysterectomy without ever looking at her medical records which noted previous abdominal surgeries.

By her own admission during deposition, the

physician should not have performed the surgery at all, due to Jocelyn's medical history. With the first surgical incision the doctor transected Jocelyn's small bowel, cutting it in two.

A second surgery was performed to repair the bowel but during the surgery her bowel was injured again.

Mrs. Foster never recovered and died of sepsis. Our team of attorneys settled the Federal Tort Claim with the U.S. government for \$1 million on behalf of Mrs. Foster's survivors.



Six-Figure Settlement With US Government For Navy Wife Injured In Series Of Medical Mistakes

Our medical negligence team, headed by Chad Roberts, obtained a six-figure recovery from the U.S. government in compensation for serious injuries sustained by Navy wife and mother Dona Perez. She had entered into treatment at the Naval Hospital of Jacksonville for chronic pelvic pain and burning. Despite her relatively young age, her treating physician ordered a complete hysterectomy.

During this surgery, the physician mistakenly cut Mrs. Perez's bladder. During the bladder repair, Mrs.



Perez's right ureter was sutured closed. Soon after surgery she began experiencing several urological problems, including urinary incontinence. Tests revealed that her right kidney was full of fluid, and had only 8% function. Mrs. Perez was told her diseased kidney had to be removed. During

this surgery, a large vein leading to her heart was severed, causing a heart attack on the operating table.

Mrs. Perez survived this series of medical mistakes, but was left with permanent bladder dysfunction, heart damage, high blood pressure, and complications from early menopause.



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Spohrer & Dodd Provides Co-Counsel:

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- In-House Physician & Nurse
- Network Of Experts
- In-House Pilot/Aviation Expert

The case results reported in this publication are unique to each case and are not indicative of the merits of any other case or the possible results that may be obtained.

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