



N E W J E R S E Y

JURY VERDICT[®]

REVIEW & ANALYSIS

\$125,000 VERDICT

Podiatric malpractice - Failure to provide adequate antibiotic therapy upon post operative infection - Loss of second toe.

Camden County

The female plaintiff in her early 60's, who had undergone a minimal incision procedure to treat hammer toes on the second and third toe of the left foot on June 28, 1991, contended that the defendant failed to either increase the dosage of antibiotics or hospitalize her for I.V. antibiotics when a post-operative infection deteriorated.

The plaintiff's expert in infectious disease contended that based upon the plaintiff's testimony that the infection continued to deteriorate, the defendant should have taken additional steps. The plaintiff had last seen the doctor on the July 24 and

Podiatric

visited a non-party podiatrist on July 29. The subsequent podiatrist noted that the skin infection had spread to the bone, hospitalized the patient and the toe was amputated two days later.

The defendant denied that the infection had worsened as of the time of the plaintiff's last visit. The plaintiff's expert conceded that if this testimony was accurate, the defendant had not deviated. The plaintiff contended that earlier in the treatment, the defendant had, in addition to the antibiotics prescribed, administered a large one time dosage of a second antibiotic and the plaintiff contended that this course was inconsistent with the defendant's position that the infection had been improving. The plaintiff's expert also maintained that a note in the records reflecting a rash was probably cellulitis which should have prompted the hospitalization.

The plaintiff contended that she continues to suffer significant pain which will remain permanently. The defendant questioned if the amputation was necessary.

The jury found for the plaintiff and awarded \$125,000. The defendant's post-trial motions were denied.

REFERENCE

Plaintiff's expert infectious disease specialist: Morton Davidson from Cabrini Medical Center, NYC.

Ward vs. Zuckerman. Docket no L-8835-92; Judge Samuel Supnick, 12-6-95.

Attorney for plaintiff: Louis J. DeVoto of Ferrara & Rossetti; Attorney for defendant: Robert Paarz. □