

VIRGINIA LAWYERS WEEKLY

Vol. 32, No. 34

valawyersweekly.com

January 22, 2018

LARGEST VERDICTS

VIRGINIA'S LARGEST VERDICTS OF 2017



#3 \$2.55 Million

**Spinal surgeon placed
instruments too deeply**

**Locascio v. Thomas Raley Jr. M.D.,
and Advanced Spine & Pain PLLC**

Type of case: Medical Malpractice

Court: Stafford County Circuit Court

Attorneys: Donna Miller Rostant, Peter C.
DePaolis and Ann LaCroix Jones, Fairfax



ROSTANT



DEPAOLIS



JONES

This was a medical malpractice case for injury to a patient during spinal surgery called posterior lumbar interbody fusion (“PLIF”). During surgery, defendant inserted surgical instruments called shavers too deeply into the patient’s body and lacerated two major blood vessels. As a result, the patient bled profusely, required infusion of 20 units of blood, suffered hypovolemic shock, stroke and multi-organ failure. The patient was left with permanent brain injury and functional impairments.

Evidence at trial established that there are three safety steps a surgeon can take during PLIF to prevent the injuries the patient suffered in the case, and it was the standard of care to use all three. Plaintiff contended that the medical records and the physical evidence proved that defendant skipped all three safety steps.

By the end of trial, the jury had heard four stories from defendant about whether and how much fluoroscopy he used during the procedure. Defendant’s own operative report did not mention the use of fluoroscopy with the placement of shavers, and there were no fluoroscopic images in the patient’s medical record, strongly suggesting that fluoroscopy had not been utilized as defendant contended.

After deliberating for approximately four hours, the jury returned a verdict of \$2,550,000.00.