

MISSOURI LAWYERS WEEKLY

Man paralyzed after spine surgery settles case

Insurance company reaches agreement on second day of trial



Patrick J. Hagerty

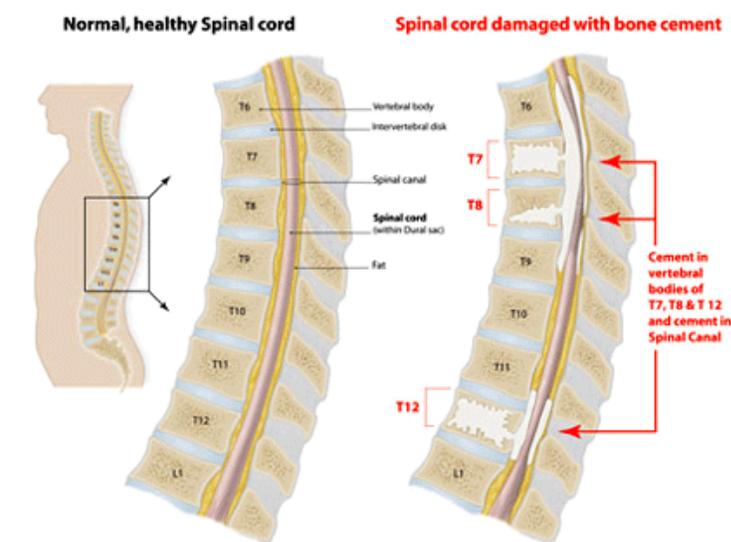
tor and his employer, St. Louis University, expressed a willingness to settle shortly after the catastrophic event, Hagerty said. The insurance company, however, balked at paying the claim.

The name of the insurer was withheld per the settlement agreement.

In 2003, plaintiff Stanley Robinson underwent a percutaneous vertebroplasty, an injection of supportive cement into the vertebra, after being diagnosed with spinal fractures. Robinson was a heart transplant recipient, and the after care for this includes heavy doses of steroids. This caused his bones to fracture, Hagerty said.

The plaintiff claimed that Dr. A. Semi Nassif, the radiologist, instead of injecting all of the cement into the vertebrae, injected much of it into the veins running through the vertebrae, and then directly into Robinson's spinal canal. At each of the three vertebral levels, Dr. Nassif put excessive cement into the spinal canal, where it quickly hardened around the cord.

Compounding the problem,



Hagerty said, Nassif waited nearly two hours before calling a neurosurgeon. Even with aggressive neurosurgical intervention, Robinson was irreversibly paralyzed by the leaked cement.

Robinson became a paraplegic after the relatively common procedure, and sued Nassif and the university, claiming medical malpractice.

According to Hagerty, the insurance company had hesitated to pay the claim because of

Robinson's heart transplant. "This case represents the real world of medical malpractice litigation," Hagerty said in an e-mailed statement. "Even in cases of clear liability, if an insurance company sees any chance it can avoid payment - here, the possibility the plaintiff would die before trial - the company will withhold a reasonable settlement offer until the last possible moment."

Telephone calls to defense lawyers were not returned.



Joan M. Lockwood

Confidential Settlement

A 48-year-old St. Louis man who was left paralyzed following a spinal surgery reached a confidential settlement on the second day of trial with the radiologist who performed the procedure.

The settlement followed two and a half years of litigation and on-again off-again negotiations, according to plaintiff's attorney Patrick Hagerty. The doc-

Facts of the Case

Type of Action: Medical malpractice

Type of Injuries: Paraplegia, neurogenic bowel and bladder

Court/Case Number/Date: St. Louis Circuit Court/042-08435/May 2, 2006

Caption: Stanley Robinson v. A. Semi Nassif, M.D., and Saint Louis University

Judge, Jury or ADR: Judge

Name of Judge: Robert H. Dierker

Verdict or Settlement: Confidential settlement

Special Damages: \$350,000 past medical, \$6.8 million life care plan for future medical

Allocation of Fault: N/A

Last Demand: N/A

Last Offer: N/A

Attorneys for Plaintiff: Patrick J. Hagerty and Joan M. Lockwood, Gray, Ritter & Graham PC, St. Louis

Attorneys for Defense: Phillip Willman, Christine Vaporean, Robert Rosenthal, Brown & James, St. Louis

Insurance Carrier: Confidential per settlement agreement

Plaintiff's Experts: N/A

Defendants' Experts: N/A