

TYPE OF ACTION: Medical Malpractice – Surgical misadventure leading to Paralysis

CASE NAME: *Koe v. *Voe, M.D., *et al.*,

SETTLEMENT/ DATE: \$ 1, 700,000.00 July 2012

PLAINTIFF'S LAWYERS: William E. Artz, Andrew J. Waghorn, of Arlington, Virginia, and Amberley Hammer of Norfolk, Virginia

CASE SUMMARY:

This was a personal injury action premised on surgical malpractice. The Plaintiff alleged that the Defendant Neurosurgeon improperly performed back surgery resulting in blunt trauma to the spinal cord and paralysis to the Plaintiff from the waist down. The Defendant had recently been trained in a procedure called XLIF and while they had performed disc surgery in the past, they had never performed disc surgery in the thoracic region by means of the XLIF (Extreme Lateral Interbody Fusion) approach. Nor was the Plaintiff advised of their lack of experience with this procedure.

This surgery is done under fluoroscopic guidance with removal of the offending thoracic disc and insertion of a plastic rectangular cage filled with crushed bone into the disc space designed to fuse the vertebral space over time as the crushed bone blends into the vertebral space. Plaintiff experts were of the view that the disc space was inadequately decompressed and when the cage was placed, it either pushed disc material into the spinal cord or the cage struck the cord itself causing a complete spinal injury. In order for the cage to strike the cord it had to be placed too posteriorly.

The Plaintiff, 45 years of age, married and employed as a result lost her bowel, bladder, and sexual function as well as her ability to walk. To her credit she is able to drive and has returned to work.

*Names camouflaged