

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Bile duct injured during gallbladder surgery

#### \$872,454 Verdict

The defendant performed a cholecystectomy surgery of the plaintiff on Aug. 5, 2009. The operation started as a laparoscopic procedure but was converted to an open procedure because of dense adhesions and unclear anatomy.

**Type of action:** Medical malpractice

**Injuries alleged:** Common bile duct injury

**Name of case:** DeLaCruz v. Forest, D.O., et al.

**Court:** Chesterfield Circuit Court

**Special damages:** Past medical - \$189,481.38; lost wages - \$2,974.25

**Offer:** None

**Verdict or settlement:** Verdict

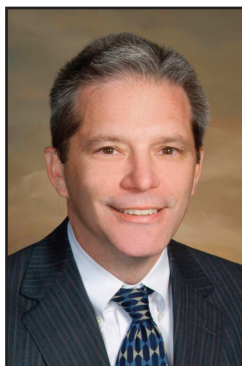
**Amount:** \$872,454

**Attorneys for plaintiff:** David E. Durrett and Elizabeth E. West, Richmond

Over the course of the plaintiff's hospital stay, she became increasingly ill and complained of shortness of breath and abdominal pain. On post-operative day five, an endoscopic retrograde cholangio-pancreatography confirmed the plaintiff had sustained a ductal injury during the cholecystectomy.

The plaintiff was transferred to VCU Medical Center where she underwent a Roux-en-Y surgery. In 2010, the plaintiff developed cholangitis, which resulted in her being hospitalized three separate times to treat the reoccurring infection. Subsequent to her hospitalizations, the plaintiff was placed on alternating antibiotic therapy to treat the reoccurring infection. The plaintiff required the use of antibiotics until October 2011.

The plaintiff presented evidence at trial that the common bile duct had been cut twice during the surgery. The first injury occurred during the laparoscopic procedure and the second injury occurred af-



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ter the operation was converted to an open procedure.

Over the course of the four-day trial, the negligence of the defendants was vigorously disputed.

At the time of trial, the plaintiff had made a good recovery from the surgery. The plaintiff did not present a claim for future medical care, but testified that she experienced ongoing fear of developing cholangitis again.

The jury deliberated for one hour before returning a verdict in the exact amount requested by plaintiff's counsel in closing argument.

[13-T-127]