



The Voice

And The Defense Wins

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DRI members [Robert L. Goldstucker](#) and [Laura D. Eschleman](#) of the Atlanta, Georgia office of **Nall & Miller, LLP**, teamed with local counsel J. Rutledge Young, Jr. of Young Clement Rivers, LLP in Charleston, South Carolina, to obtain a defense verdict for a surgeon and his practice in a medical malpractice case in Charleston County, South Carolina on April 22, 2009.

The plaintiff, a sheriff's deputy (a member of the SWAT team and otherwise respected member of the community), alleged that the defendant negligently performed tarsal tunnel release surgery by cutting a nerve and causing CRPS (Complex Regional Pain Syndrome) in the plaintiff's foot.

The plaintiff's subsequent treating surgeon testified in the plaintiff's favor and opined that the defendant cut plaintiff's lateral plantar nerve. The subsequent treating surgeon redid the defendant's procedure and it failed, leaving the plaintiff with chronic pain.

A certified rehabilitation counselor provided expert opinion on the plaintiff's behalf regarding his transferable work skills and diminished earning capacity because of the status of his foot. Additionally, the plaintiff claimed that his injury left him with chronic pain, less work responsibilities on the SWAT team and a shortened career span.

The plaintiff claimed past and future medical expenses, past and future wage loss, pain and suffering and punitive damages.

After disqualifying the plaintiff's anesthesiologist/pain management expert from testifying on the standard of care, and discrediting the plaintiff's anesthesiologist regarding his knowledge of CRPS, the jury returned a defense verdict in 10 minutes.

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