

Defense Verdict in Medical Malpractice Case – May 4, 2009

Case: Van Hoesen v. Anthony – CGC-06456359

Court: San Francisco Superior Court

Counsel for Defense: Robert W. Hodges of the McNamara Law Firm

On July 13, 2005, this 48 year old female patient underwent facial cosmetic plastic surgery including neck and cheek lift, upper and lower lid blepharoplasty, and liposuction of her upper arms. Post-operatively she complained of “dry eye syndrome” alleging due to her inability to fully close her eyes which she contended was due to the plastic surgeon’s removal of too much skin from the eyelid procedure. She sought treatment from approximately 22 separate practitioners post-operatively and contended she was disabled from being a violinist for the San Francisco Symphony.

The defense countered that the surgery was performed within the standard of care, that all surgical risks were fully discussed including the possibility of lagophthalmos (inability to fully close the eyelids), and that the risk of permanent lagophthalmos was remote and rare and most likely caused by scar tissue.

After a 10 day trial, the plaintiff’s attorney asked the jury to award \$330,000.00 in damages to his client and defense counsel, Robert W. Hodges, asked the jury to return a defense verdict. The jury deliberated for approximately 11 hours over 2 days and returned a defense verdict on behalf of the plastic surgeon.