

Defense Verdict in Medical Malpractice Case – August 6, 2008

Case: Bhalla v. Otero, MSC05-02233

Court: Contra Costa County Superior

Counsel for Defense: Denise Billups-Slone of the McNamara Law Office

On October 27, 2004, Plaintiff, Kanti Bhalla, underwent surgery for the clearing of a small bowel obstruction by surgeon, Dr. Fernando Otero. Because of plaintiff's subsequent complaints of pain and discomfort, a second surgery was performed. During the second surgery, a laparotomy pad was left in the plaintiff's abdomen, despite two correct sponge counts by the surgical nursing staff.

Mr. Bhalla alleged that the first surgery by Dr. Otero was not thorough enough and that Dr. Otero was at fault for not removing the pad during the second surgery.

The defense countered that the first surgery was within the standard of care, and that Dr. Otero was not responsible for the incorrect count by the surgical nursing staff.

The jury found in favor of the defendant.