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KELLEY/UUSTAL OBTAINS \$1.457 MILLION MEDICAL MALPRACTICE VERDICT

Orthopedic providers 65% at fault

FORT LAUDERDALE, Fla. (May 17, 2017) – A Palm Beach County jury returned a verdict of \$1.457 Million against Brian Coleman, M.D., his physician assistant Justin Bartl, PA-C, and South Palm Orthopedics, P.A. of Delray Beach, Florida. The jury found that they were negligent in their care and treatment of Mrs. Jeanne Marks, pertaining to a reconstructive surgery of her forefoot that took place in May 2014 at Delray Medical Center. This ultimately led to her death on July 3, 2014.

[Peter Spillis](#) and [Bonnie Navin](#), partners at the law firm of Kelley/Uustal, obtained the verdict after jurors heard seven days of testimony and deliberated for over nine hours before returning the verdict in favor of the family of Jeanne Marks. The case was tried before The Honorable Meenu Sasser of the Palm Beach Circuit Court, from May 1-11, 2017.

In preparation for Mrs. Marks' surgery, Dr. Coleman ordered a surgical clearance examination, to be performed by an internal medicine physician. That examination was performed and a comprehensive 15 page report was submitted by the examining physician but Dr. Coleman admitted to the jury that he didn't read the document since he delegates that responsibility to his surgical coordinator. The coordinator testified that she was trained to only look for the word "cleared" on the document and therefore she never conveyed to the surgical team any of the other information in the surgical clearance, which included a number of specific warnings and recommendations.

Spillis explained to the jury that the document specified that Mrs. Marks was on a medication called Evista which carries an FDA "black box" warning that the usage of the medication, coupled with prolonged immobilization, could significantly increase the risk of blood clots and pulmonary embolism. Because the surgical team failed to read the medical clearance, they were unaware of the warning and they ordered the patient to resume the medication on the day she was discharged from the hospital to begin a 6 week period of very limited mobility as she recuperated from the surgery.

Mrs. Marks' husband, William Marks, testified that Mrs. Marks followed those directions strictly. Orthopedic expert, Dr. Kenneth Lippman of Maryland testified that the failure to read that surgical clearance and heed the warnings contained therein was a violation of the standard of care and that as a result Mrs. Marks continued taking the Evista, giving her a three-fold increase in her risk of developing a clot.

Dr. Andrew Weschler, a cardiothoracic surgeon from Pennsylvania testified that Mrs. Marks began to form clots in her lower extremities in the weeks after surgery, which then began to travel to her lungs and heart, causing shortness of breath. She then suffered a massive "saddle embolus" which obstructed both pulmonary arteries, making it impossible for her to adequately oxygenate her blood. The physicians at the Cleveland Clinic attempted several salvage procedures to attempt to remove the clots but "sadly, Mrs. Marks suffered further complications during the attempts to remove the clots and she died 12 days later at 60 years of age," adds Navin. "William Marks lost the love of his life whom he was with for 36 years."

The defendants claimed that Mrs. Marks had superior knowledge of being placed on Evista and that she disobeyed the instructions of her prescribing doctor, who had suggested Mrs. Marks call her before resuming the medication. As a result, the jury found Mrs. Marks 35% responsible for her death.

About Kelley/Uustal:

With law offices in Fort Lauderdale, West Palm Beach, Miami and the Florida Keys, the law firm of Kelley/Uustal is a leading personal injury practice and trial law practice serving clients throughout the state of Florida. The firm boasts 325 years of combined experience and has earned significant jury verdicts and legal settlements in the areas of tobacco litigation, automobile accidents, workplace injuries, product liability and medical malpractice cases. Kelley/Uustal's track record of success includes more than a quarter of a billion dollars in verdicts and settlements, including hundreds of millions of dollars earned for clients. For more information, please visit www.JusticeForAll.com or call 954-522-6601.

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