

The following summaries represent a selection of successful trial results from more than 20 trials handled by Attorney Kelley from 2006 to the present.

1. March 2006 – Successfully defended a medical malpractice trial in the Middlesex Superior Court on behalf of an **Obstetrician/Gynecologist**. The Plaintiff alleged that she sustained injuries due to the physician's negligence following a vaginal delivery and repair of a 4th degree tear. The Plaintiff alleged chronic and permanent incontinence resulting in ongoing pain and suffering and damage to her marital relationship. After a one and a half week trial, the jury returned a verdict in favor of the physician.
2. June 2006 – Secured a defense verdict in a wrongful death action in Essex Superior Court on behalf of an **Emergency Department Registered Nurse**. The case alleged that the registered nurse was negligent with respect to the assessment and evaluation of a patient with respiratory distress and administered excessive medication contraindicated for the patient's condition, thus resulting in the patient's death. The Plaintiff also alleged that the registered nurse altered the medical record after the patient's death to change recorded vital signs for the patient. After a two and a half week trial, the jury returned a verdict in favor of the registered nurse.
3. April 2007/June 2007 – Successfully defended two **General Surgeons** in separate wrongful death actions arising from complications following **gastric bypass surgery**. In the first case, the Plaintiff alleged that the surgeon failed to adhere to the applicable standard of care by completing the surgery after encountering extensive adhesions. The Plaintiff alleged that the patient's post-operative complications and death would not have occurred had the surgeon complied with the standard of care. In the second case, the Plaintiff alleged that the surgeon breached the standard of care in causing injury to the patient's small bowel during the bariatric surgery, which resulted in post-operative infection and death. In both trials the jury returned a verdict for the surgeon.
4. November 2007 – Obtained a defense verdict for **Registered Nurse and Nursing Home** in wrongful death action in Middlesex Superior Court. The case alleged the nursing home negligently permitted a nursing home Resident to receive food prohibited by her approved diet and the nurse negligently treated the Resident after the prohibited food became lodged in the Resident's trachea. After a week long trial, the jury returned a verdict for the registered nurse and the nursing home.
5. June 2008 – Successfully defended **Obstetrician/Gynecologist** at trial in Essex Superior Court on claim that physician breached the standard of care in causing perforation of patient's rectum in performance of a cone biopsy procedure. Plaintiffs claimed pain and suffering, an unnecessary colostomy,

economic damages, and loss of consortium. Case ended in mistrial in 2007 and retried in 2008. Notwithstanding physician's admission to the jury that injury to patient's rectum constituted a breach of the standard of care, the jury returned a verdict in his favor after more than one week of trial.

6. November 2008 – Secured a defense verdict for **Anesthesiologist** and her corporation in wrongful death action in Essex Superior Court wherein the physician stipulated to having breached the standard of care. Plaintiff alleged that physician failed to examine patient following nursing reports of hypotension and progressive and worsening motor and sensory function in post-operative patient receiving epidural anesthesia. Patient ultimately rendered paraplegic from spinal cord infarct. Despite the acknowledged negligence, the jury after two week trial returned verdict for the anesthesiologist.
7. May 2009 – Successfully defended **Urologist** in wrongful death trial in the Worcester Superior Court. The Plaintiff alleged the patient's presenting complaints and condition warranted performance of a PSA test that, if done, would have led to diagnosis of prostate cancer. Plaintiff alleged that failure to perform PSA test at time of visits to urologist resulted in delay in diagnosis that eliminated opportunity for treatment and cure. In addition to negligence claim, the Plaintiff pressed a claim for loss of chance of survival due to the alleged delay in diagnosis. After a one and a half week trial, the jury returned a verdict in favor of the urologist.
8. June 2009 – Secured a defense verdict on behalf of an **Internal Medicine** physician and the physician's corporation in wrongful death action in Norfolk Superior Court. The Plaintiff alleged the physician failed to refer patient for biopsy of reported neck mass that was later diagnosed as thyroid cancer. The Plaintiff claimed that the failure to refer for biopsy constituted negligence and that had biopsy been performed when patient first complained of mass she would have been diagnosed earlier with improved chance of survival. The jury returned a verdict for the physician on the negligence/wrongful death claim and the loss of chance after more than a week of trial.
9. October 2009 – Successfully defended an **Internal Medicine** physician in wrongful death action in Barnstable Superior Court in case alleging failure to diagnose mesenteric venous thrombosis. The Plaintiff alleged the patient's history suggested a hypercoagulation disorder and the patient's presentation to the physician with bilateral edema, with a history of DVT, and complaints of abdominal pain ought to have required further work-up after a negative Doppler ultrasound. The Plaintiff claimed that the standard of care required the physician to refer the patient for further imaging studies that, if done, would have revealed the thrombosis and resulted in treatment that would have prevented the patient's death. After more than a week of trial, the jury returned a verdict for the physician.

10. February 2010 – Obtained a defense verdict on behalf of an **Internal Medicine** physician in wrongful death action in Norfolk Superior Court in case alleging failure to diagnose a bowel obstruction. The Plaintiff alleged the defendant physician admitted the patient to Hospital from the Emergency Department with a working diagnosis of pancreatitis but failed to enter an order for a CT scan study that had been recommended by a surgical consult. The Plaintiff further claimed that a CT scan, had it been performed, would have revealed the bowel obstruction and allowed for surgical treatment that would have prevented the patient's subsequent development of ARDS, MOSF, sepsis and death. A CT scan performed at a transfer hospital five days after the defendant physician's involvement revealed the bowel obstruction. All medical witnesses agreed the CT scan was an appropriate study and necessary to evaluate the patient. The jury returned a verdict in favor of the physician after seven days of trial.