

The New York Jury Verdict Reporter

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METROPOLITAN EDITION

CASES OF NOTE IN THIS ISSUE

V/4-18

PODIATRIST MALPRACTICE - CORN REMOVAL RESULTS IN INFECTION AND TOE AMPUTATIONS - REMITTITUR

Clara Blake v. Stuart Meyers 6750/84 1-week trial Verdict 11/26/85 Judge
Barry Salman, Bronx Supreme

VERDICT: \$660,000, reduced as excessive to \$360,000. Breakdown: \$600,000 for pain
and suffering; \$60,000 for medical expenses.

Pltf. Atty: Steven E. North of Frank & North, Manhattan
Def't. Atty: Eugene F. Sweeney of Sheft, Wright & Sweeney, Manhattan

Facts: Pltf., a 74-year-old diabetic, was treated for corns in December 1982 by Def't., a podiatrist. Pltf. contended that Def't. performed surgery to remove the corns without taking into account Pltf.'s history of diabetes. As a result, she claimed, a surgery-related infection required a transmetatarsal amputation of the toes. Pltf. put in evidence a copy of Def't.'s business card to demonstrate that Def't. falsely held himself out to be a medical doctor. Def't. contended that his treatment was proper and that the amputation was needed because of the progress of her diabetes only. On damages, Pltf. contended that she may require future hospitalizations and amputations. Offer: \$250,000; demand: \$350,000. Pltf. Experts: Dr. Herbert Rinsher, podiatrist, Brooklyn; Dr. Larry Scher, subsequent