

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

October 2006

Published in Louisville, Kentucky

10 K.T.C.R. 10

Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

Medical Negligence - An elderly woman, (a former Dean at Ohio State) was critical of her colorectal surgeon for prophylactically removing too much of her bowel – suffering an anastomic leak weeks later, the plaintiff went into shock and was hospitalized for eleven months

Hicks v. Greenlee, 04-3335

Plaintiff: Joe C. Savage and Cory M. Erdmann, *Savage Elliott Houlihan Moore Mullins & Erdmann*, Lexington
Defense: Donald K. Brown, Jr. and Michael B. Dailey, *O'Bryan Brown & Toner*, Louisville

Verdict: Defense verdict on liability
Circuit: **Fayette**, J. Wm. Cain, 6-23-06

Helen Hicks, age 75 and of Midway, treated with Dr. Jerry Yon in July of 2003. [The highly educated Hicks, graduated from both Wellesley and Stanford, later serving as the Dean at Ohio State.] A surveillance colonoscopy by Yon revealed a lesion on her bowel.

Yon referred Hicks on to Dr. Thomas Greenlee, a colorectal surgeon, for further treatment. On 9-9-03 at St. Joseph's Hospital, Greenlee performed a laparoscopic colon resection. It was initially uneventful, Greenlee removing 34 cm (13 inches).

At this juncture, Greenlee made a decision to press on after seeing another polyp – consulting with Yon and believing it was the same polyp, Greenlee continued and removed a total of 70 cm from her bowel. Initially Hicks did well.

However several weeks later she went to the ICU with septic shock. It was learned that she was suffering from an anastomic leak. Despite additional surgeries, Hicks developed an infection and other complications. She remained hospitalized for eleven months and has continued to require home health care assistance. Her medical bills were \$1.399 million and she sought \$922,014

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for future care. \$500,000 was the cap for past suffering – that in the future was limited to half that sum.

In this lawsuit, Hicks was critical, not of the first part of the surgery, but rather of Greenlee's decision to press on. It was her argument that because of her age, the risk of an anastomic leak and other complications was too great to justify the prophylactic removal of so

much of her bowel. Her expert was Dr. James Church, Colorectal Surgery, Cleveland, OH.

Greenlee defended that his intra-operative decision to press on represented a clinical judgment, one that was compliant with the standard of care. His expert, Dr. Randolph Bailey, Colorectal Surgery, Houston, TX, opined that as there was already one polyp, it

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