

DAILY REPORT

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►VERDICTS & SETTLEMENTS

Hornsby's client wins \$1M-plus verdict

A FAYETTE COUNTY JURY awarded more than \$1 million to a woman who suffered numerous grave effects when a ruptured bowel injury went unnoted and untreated for several days after a doctor injured her during surgery.

Cynthia Bennett was a 43-year-old nurse in Henry County in December 2003 when she underwent laparoscopy to remove an ovarian cyst. Dr. JuDonn T. Adams encountered several scars, or adhesions, and was unable to perform the procedure, according to trial documents.

Two weeks later he performed laparotomic surgery, which involves cutting through the abdominal wall, but was again unable to locate the ovary "due to dense and copious adhesions," according to defense filings.

During the second procedure, Adams "nicked" Bennett's bladder and "perforated" her colon, according to her complaint, and her condition worsened over the course of three days until another surgeon diagnosed her with a punctured bowel.

The untreated rupture required a colostomy, according to her filings, after which she developed sepsis, peritonitis and respiratory failure.

"Initially, there was a lot of focus on how the injuries occurred," said Brandon Hornsby, who represented Bennett along with Jonesboro sole practitioner Paul S. Weiner. "But by the end of the trial, I think everyone knew that the nicking of the bladder and the bowel injury were not the issues. The issue of malpractice involved when [Adams] knew it was ruptured and when it should have been treated."

Bennett has since spent more than two



BARTRAM NASON

Brandon Hornsby's client won a \$1 million-plus verdict after suffering from a ruptured bowel.

months under hospital care and has had several procedures stemming from her injuries, said Hornsby, and still "faces a lifetime of recurring hernias."

Almost two years after her injury, in November 2005, Bennett and her husband sued Adams and New Millennium Obstetrics and Gynecology.

Bennett had long been a patient of Adams, said Hornsby, and was loath to

take legal action against another medical professional.

"That was an interesting component of the case," he said, "because there's tremendous goodwill surrounding doctors and nurses. ... She was very reluctant to bring the case; for anyone in that industry to bring a medical malpractice case is very difficult."

Following a one-week trial before Fayette County State Court Judge W. Fletcher Sams, the jury took three hours before awarding Bennett \$1,052,800, including \$500,000 for lost past and future medical expenses, \$500,000 for pain and suffering and the balance for lost wages. Her husband, who sued for loss of consortium, received nothing.

"It was a hard-fought, well-tried case," said lead defense attorney Daniel J. Huff of Atlanta's Huff, Powell & Bailey, who tried the case with partner Julye Johns. "The jury found in favor of the defendant on one claim and in favor of the plaintiff on the other."

Hornsby said his opposing counsel did an "excellent job of mastering the medical record," and congratulated Huff's firm for "becoming one of the leading med-mal defense firms in the area."

He also said he was gratified at winning a \$1 million-plus verdict in Fayette, "one of the most conservative jurisdictions in the state."

Hornsby and Huff said a confidential agreement following the verdict means there will be no appeals or other post-trial motions.

The case is *Bennett v. Adams*, No. 05-SV-875. ●

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