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Hip surgery mishap leads to \$295K verdict in Prince George's Co.

By: Anamika Roy Daily Record Legal Affairs Writer May 29, 2018

A Prince George's County jury awarded nearly \$295,000 to a Hyattsville man who had to undergo two total hip replacement surgeries in 18 days after the hip prosthetic in the first surgery was misaligned.

After just 40 minutes of deliberations after a four-day trial, the jury found for Ronald L. White under a claim of medical malpractice earlier this month.

In April 2013, White underwent a total hip replacement operation at Greater Metropolitan Orthopedics by Dr. John Byrne in Clinton. During the surgery, a ball placed through a canal in the center of White's thigh bone did not align and perforated through the back of the bone, according to court records.

White was in pain after the procedure and his thigh was swollen, court records state. Eight days later, an x-ray of his hip showed the misalignment. White had a second operation at Georgetown University Hospital to fix the error, according to the lawsuit.

White, 71, has since made a full recovery, his attorney Burt Kahn said Tuesday. He sought expenses for having to undergo a second surgery, other costs related to the procedure and pain and suffering between the two operations, Kahn said.

"He was very pleased, thought justice was done," said Kahn, of Joseph, Greenwald & Laake P.A. in Greenbelt, about White's reaction to the verdict.

Byrne wrote a note four months after White was discharged suggesting that the patient fell several times and that caused the prosthesis to become misaligned. The defense had two experts testify to that effect, Kahn said. However, Kahn believed his expert swayed the jury because they accepted the testimony that the surgeon did not correctly align the prosthetic.

White also argued that Byrne should have exercised a higher standard of care because he was relatively new to the procedure and should have taken precautions to make sure the prosthetic was aligned, court records state.

The defense did not make any settlement offers, Kahn said.

Attorneys representing Byrne and Greater Metropolitan Orthopedics from Goodell DeVries Leech & Dann, LLP and Nelson Mullins Riley & Scarborough LLP could not be reached for comment on Tuesday.

"We are (...) gratified to have prevailed against a (d)efense trial team of three very distinguished partners from two different firms arrayed against us," Kahn and Steven Vinick said in a prepared statement about the verdict.

Kahn said he "wouldn't be surprised" if the defense appeals.