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Jury awards \$817K after crucial surgery delayed for hours

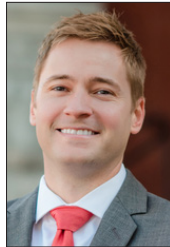
■ BY BILL CRESENZO

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An Ashe County jury has ordered two doctors and two medical centers to pay \$816,988 to a man who suffered permanent damage to his spinal cord after an urgently needed surgery was needlessly delayed by more than eight hours.

Justin Holoman and Thomas Pleasant of Daniel Pleasant Holoman in Wrightsville Beach said that their client, Lanny Ballou, underwent neck surgery in February 2014. When he went home, he spent two days calling his surgeon's office, OrthoCarolina, complaining of pain, but his surgeon did not talk to him, or see him, Pleasant said, and after a fall, Ballou was taken to Ashe Memorial Hospital in "terrible pain."

Over the next seven hours blood compression on his spine got worse, but the hospital did not have an MRI machine, which is the only definitive way to confirm the existence of what proved to be a spinal epidural hematoma, a pool of blood in the spinal canal that is considered an emergency



Justin Holoman



Thomas Pleasant

condition.

"If left untreated, it causes damage that can lead to permanent paralysis," Pleasant said. "The sooner you get to it, the better off you will be."

An emergency room doctor, Joseph Lozano, wrote in his notes that he planned to call Ballou's surgeon, James Califf, but he did not do that until much later, Pleasant said. By that time, Ballou's condition had continued to deteriorate before he was transferred to Watauga Medical Center, but he didn't undergo surgery until eight hours after the transfer.

Ballou had numerous pre-existing conditions, including two lumbar spine fusions, fibromyalgia, and heart trouble. Ballou underwent a third lumbar fusion after the events that led to the lawsuit and verdict.

"The injuries from the negligence in this case were permanent issues with balance, gait, residual weakness, and nerve pain," Pleasant said.

The trial lasted 10 days, and the jury deliberated for three and a half hours before returning its verdict on Dec. 13. Ballou had worked for a local manufacturing company for more than 40 years and had planned on working to age 70, but is now unable to work.

Isaac Northup of Hall Booth Smith in Asheville represented Califf and OrthoCarolina.

"It was a well-tryed case by all attorneys involved," Northup said. "It came down to who was

on the jury, and there were more people leaning the plaintiff's way than our way at the end of the day."

Brenda McClearn of Sharpless McClearn Lester Duffy in Greensboro represented Lozano and Ashe Memorial Hospital. She could not be reached for comment.

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VERDICT REPORT – MEDICAL MALPRACTICE

Amount: \$816,988

Injuries alleged: Damage to spinal cord, including permanent issues with balance, gait, residual weakness, and nerve pain

Case name: *Lanny Ballou v. James C. Califf, M.D., Joseph Lozano, M.D. OrthoCarolina, P.A. and Ashe Memorial Hospital*

Court: Ashe County Superior Court

Case number: 17-CVS-24

Judge: Richard Doughton

Date of verdict: Dec. 13

Attorneys for plaintiff: Justin Holoman and Thomas Pleasant of Daniel Pleasant Holoman in Wrightsville Beach

Attorneys for defendants: Isaac Northup of Hall Booth Smith in Asheville for James Califf and OrthoCarolina and Brenda McClearn of Sharpless McClearn Lester Duffy in Greensboro for Joseph Lozano and Ashe Memorial Hospital