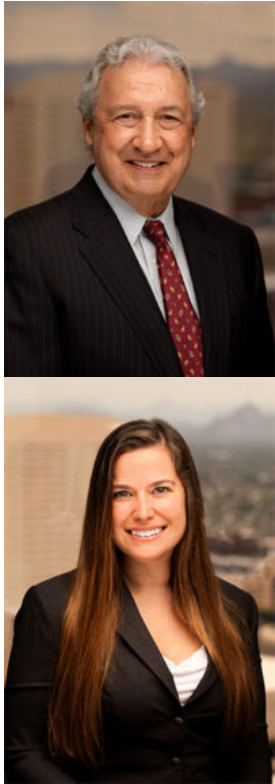


## JONES, SKELTON & HOCHULI ATTORNEYS RUSS SKELTON AND CORY TYSZKA OBTAIN UNANIMOUS DEFENSE VERDICT WITHIN MINUTES FOLLOWING 8-DAY MEDICAL MALPRACTICE JURY TRIAL

November 7, 2019 | Case Summaries



JSH health care defense attorneys [Russ Skelton](#) and [Cory Tyszka](#) recently obtained a unanimous defense verdict in a

medical malpractice case. Their client, a board-certified general surgeon, was facing allegations of medical malpractice arising from the removal of a mass on the left side of Plaintiff's neck. During surgery, the surgeon discovered a nerve was adhered to the mass, so she removed the nerve from the mass in order to remove the mass. Following the surgery, Plaintiff developed a diffuse left brachial plexus neuritis – nerve inflammation characterized by severe shoulder pain, spotty muscle paralysis, and sensory loss of the shoulder and arm – that resulted in denervation and atrophy of her left deltoid muscle, limiting her ability to use her left arm and shoulder. During the 8-day jury trial, Plaintiff alleged that Defendant was negligent by separating the nerve from the mass, applying too much force to the nerve, and removing the mass in lieu of an intraoperative partial biopsy, which would have shown the mass to be benign. Plaintiff claimed that the surgeon's alleged negligence caused her to suffer permanent injury and disfigurement to her left shoulder muscles. The surgeon maintained that she met the standard of care in all respects and was adept at handling nerves during routine surgeries such as this one. The surgeon further defended her care with expert testimony that the brachial plexus neuritis was an immune response to the fact of surgery, rather than a result of direct injury to the nerve or to the nerve's origin during surgery. Plaintiff claimed \$3,000,000 in pain and suffering, disfigurement, and loss of enjoyment of life. The case was tried in Maricopa County Superior Court before the Honorable Teresa Sanders. After deliberating for approximately 10 minutes, the jury returned a unanimous defense verdict on November 5, 2019.