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October 31, 2011

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**Jury Awards Elk Grove Woman \$7.6 Million in Spinal Cord Injury
Medical Malpractice Case against U.C. Davis Medical Center**

Sacramento Personal Injury Lawyers Brooks Cutter and Eric Ratinoff win verdict on behalf of a 22 year old woman who was paralyzed from her chest down after the U.C. Davis Medical Center failed to identify a mass on her spine that appeared in her MRI films. \$7.6 million is believed to be one of the largest medical malpractice verdicts in Sacramento County history.

A local jury awarded an Elk Grove woman \$7.6 million after a hard won case* fought by Sacramento personal injury attorneys Brooks Cutter, Eric Ratinoff and their legal team at Kershaw, Cutter & Ratinoff.

In 2003, the young woman was only fourteen years old when she was admitted at U.C. Davis Medical Center for weakness in her legs. An MRI study was done that showed an abnormal mass in her thoracic spine, but the radiology department at U.C. Davis Medical Center reported the woman's spine as "normal." As a result, treating doctors at U.C. Davis Medical Center diagnosed her with Guillain Barre Syndrome, and she was discharged from the hospital after a week of treatment for that condition.

Unidentified and untreated for over four years, the mass eventually bled out and caused a permanent spinal cord injury in February 2008, when the woman was 18. As a result, the woman was rendered a paraplegic from the chest down, requiring medical and attendant care for the rest of her life.

An expert testified that the abnormality along the woman's spine should have been detected by the radiology department in 2003, which would have led to further study and the removal of the mass. If the mass had been properly identified, the young woman would not have suffered all the injuries she must live with today. The U.C. Davis Medical Center, owned by the Regents of the University of California, refused to accept any responsibility for failing to identify the mass on the 2003 MRI study. U.C. Davis Medical Center brought an expert who testified that the mass was "subtle" and that it was within the standard of care to miss it. U.C. Davis also sought to place blame on the young woman's parents for following up with her pediatrician after the initial event, rather than the neurology department at the U.C. Davis Medical Center.

After three days of deliberation, the jury found that the young woman's injuries were caused by the U.C. Davis Medical Center's Radiology Department's negligence, and awarded a verdict of \$6,424,318 to compensate the woman for her lost wages and the medical and attendant care she will require for the rest of her life. The jury also awarded the woman \$1.2 million to compensate for her life-long pain and suffering; however, because of The Medical Injury Compensation Reform Act of 1975 (MICRA), non-economic damages will be reduced to \$250,000. The total verdict of \$7.6 million is believed to be one of the largest medical malpractice verdicts in Sacramento County history.

Lead attorney for the plaintiff, Brooks Cutter, said, "Overall, the jury worked very hard and returned a just verdict that will enable this young woman to move forward with her life independently and pursue further educational opportunities with the care resources that she needs."

Cutter also observed, "This case is one of many that points out the fundamental inequity of limiting pain and suffering damages, as the cap of \$250,000 has been in place, unindexed, for over 30 years." He added, "Because of the cap, I didn't even ask the jury for a more appropriate general damages number for this terrible injury because it would just be reduced. I suggested at least a million and the jury awarded 1.2. Even this amount will be reduced by 80% to \$250,000."

Nevertheless, they consider this a great victory for the young woman and hope that it will inspire improvements in hospital procedures for ordering, completing and properly reading radiological studies.

Attorney Eric Ratinoff added, "It is great that a Sacramento jury has stood up for our courageous young client, and in doing so has stood up for the basic idea that in our community we expect our doctors and hospitals to put patients first."

*Case #34-2009-00032610 "Hairston v. Regents" in Sacramento County Superior Court

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Kershaw, Cutter & Ratinoff represents individuals and businesses in personal injury lawsuits, [insurance bad faith cases](#), [product liability cases](#) and class action lawsuits. They have demonstrated their ability to devote substantial resources in [automobile](#) and [motorcycle accidents](#), [traumatic brain injuries](#), spinal cord injuries, defective medical devices and wage and hour lawsuits, generating hundreds of millions of dollars in recoveries for their clients and the classes they have represented.