

MISSOURI LAWYERS WEEKLY

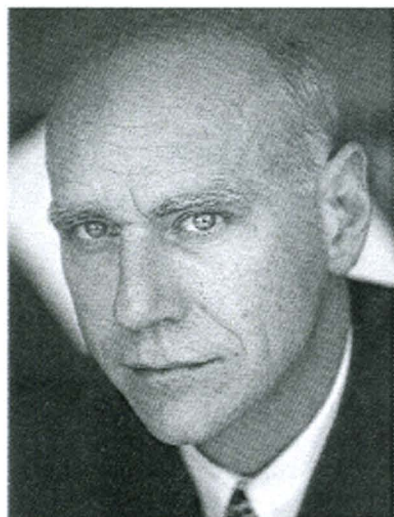
November 26, 2001

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VERDICTS & SETTLEMENTS

Surgeon Blocked Woman's Bile Duct

She Became Jaundiced After Gallbladder Surgery



Brian Timothy Meyers

\$750,000 Settlement

Lafelta Gamber sued her surgeon and

primary care physician for medical malpractice following gallbladder surgery.

Gamber, 65, underwent a laparoscopic surgery to remove her gallbladder on Oct. 2, 1998. The surgery was performed by Dr. Gaston Guerra. Gamber developed post-operative complications arising from pre-existing heart and pulmonary problems. She was hospitalized for a week during which Dr. Guerra signed off and gave Gamber instructions to follow up in his office after her discharge.

Dr. Guerra examined Gamber in his office on Oct. 17 with complaints of extreme right upper quadrant pain. Dr. Guerra gave her a prescription and sent her home.

Gamber then went to Dr. Yolanda Huett-Vaughn, a primary care physician, in January 1999 with jaundice and a high bilirubin count.

On Feb. 10 Gamber was admitted to the hospital for treatment of jaundice. It

was discovered that the surgical clip, which was intended to clip the cystic duct during the laparoscopic surgery, had also partially clipped her bile duct. This required corrective surgery, extensive hospitalization and rehabilitation.

Gamber claimed Dr. Guerra injured her during the laparoscopic surgery. In a separate count, she claimed he failed to diagnose the injury. Gamber claimed Huett-Vaughn also failed to diagnose the injury caused by the earlier surgery.

The plaintiffs' experts testified the partial blockage of the bile duct became a complete blockage over several months because of the formation of scar tissue.

The case settled 10 days after failed mediation and just prior to trial. Dr. Guerra's insurance paid \$675,000, with \$200,000 from CNA and \$475,000 from the Kansas Fund. The St. Paul Insurance Company, which insured Dr. Huett-Vaughn, paid \$75,000.

Facts of the Case

Type of Action: Medical malpractice

Type of Injuries: Injury to bile duct

Court/Case Number/Date: Jackson County Circuit Court/99-CV-220149/ Oct. 2, 2001

Caption: Gamber v. Guerra, et al.

Judge, Jury or ADR: Settlement

Name of Judge: Thomas Clark

Verdict or Settlement: \$750,00 settlement

Special Damages: \$150,000 medical expense

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorney for Plaintiff: Brian Timothy Meyers, The Law Offices of Brian Timothy Meyers, Kansas City

Insurance Carrier: CNA, The Kansas Fund, St. Paul Insurance Co.

Plaintiff's Experts: Dr. A.R. Moossa, San Diego, Calif. (surgeon); Dr. Charles McGinty, Cape Girardeau (general physician)

Defendant's Experts: None