



## The Voice

### And The Defense Wins

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DRI members [William C. McDow](#) and [Shelton W. Haile](#) of **Richardson Plowden & Robinson, P.A.** in Columbia, South Carolina, recently obtained a defense verdict in a medical malpractice case. The case involved allegations that two physician-clients, both orthopedic surgeons, failed to properly diagnose and treat Charcot Joint Disease, properly diagnose an infection, and disclose the complication of a retained drill bit after surgery.

The plaintiff was a 70-year-old female who fractured her right ankle on Christmas Day 2009. The plaintiff had long-standing issues with insulin-dependent diabetes. One physician-defendant performed an open reduction internal fixation ("ORIF") in January 2010. Over the next few months, the plaintiff complained of pain, redness, and swelling in her right ankle. During this time period, the mortise began shifting as a result of Charcot Joint Disease and progressively worsened. The physician-defendant transferred the plaintiff's care to his partner, the second physician-defendant, in June 2010.

The plaintiff continued to complain of pain and the ORIF hardware was removed in August 2010 by the second physician-defendant. The plaintiff developed a post-operative infection, which manifested in systemic illness and drainage from one of the surgical wounds in late September 2010. The plaintiff was admitted to the hospital and diagnosed with infection and osteomyelitis of the right ankle. Surgery was performed by second physician-defendant to debride the infection and remove the retained drill bit from the initial surgery in January 2010. The plaintiff alleged that she was never informed of the retained drill bit until just prior to the September 2010 surgery and that its presence caused the infection and resulting osteomyelitis. After discharge, the plaintiff was treated by several orthopedic surgeons and an infectious diseases physician for issues relating to her right ankle. Medical bills totaled approximately \$103,000.

After a four-day trial, the jury returned a verdict in favor of both defendant physicians and their practice.

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