

Verdicts & Settlements

Doctors failed to remove gauze in man's leg wounds

**Medical
Malpractice
Verdict**

\$3.1 million



MARKO

The plaintiff was shot four times. He was put in the back of a police squad car and rushed to the hospital. After the heroics of the first responders and medical personnel, he was resuscitated and underwent 18 surgeries.

The plaintiff discharged to a rehab facility and other medical providers for care after the hospital and a piece of gauze was identified in his severe leg wounds that began to grow into the flesh. No one took out the gauze; it was in for a year and the flesh on his leg grew over it.

The plaintiff sued the internal medicine doctors who provided care over this year. The defense was that the doctors did not do anything wrong. First, the defense said that the gauze was actually a surgical mesh that was supposed to be there for healing purposes and did not need to come out. This defense was suddenly raised at trial and had not been previously raised. Second, the defense claimed that the doctors were not wound care specialists, so they did not have the expertise to diagnose and treat the gauze. It was uncontested that internal medicine doctors were not qualified to remove the gauze in the leg. Third, the defense claimed that the plaintiff was at fault for the injuries because he did not follow up with medical professionals and was non-compliant with medical care, including not allowing people to treat his wounds.

The defense refused to offer any money, so the case proceeded to trial. The plaintiff waived any economic damages. The plaintiff argued that the primary care physicians are the "quarterbacks" of patient care and that it is common sense a piece of gauze should not be left in a wound for a year. Even if the doctors weren't specialists in wound care, they should have done something to help the plaintiff.

On cross-examination, the doctors initially denied they knew that the gauze was in the plaintiff's leg or that it had to come out. After rigorous impeachment by plaintiff's counsel, the doctors admitted they knew the gauze was stuck in the plaintiff's leg and it had to come out.

The plaintiff is filing a motion for attorney fees and costs, and interest on top of the verdict. Jon Marko, counsel for the plaintiff, provided case information.

Type of action: Medical malpractice

Injuries alleged: Gauze left in wound; non-economic damages

Name of case: Shamar Nowden v. Dr. Anthony Martin, et al.

Court/Case no./Date: Wayne County Circuit Court; 18-001919-NH; 09/01/2022 Tried before: Jury

Name of judge: Hon. David Allen

Demand: \$175,000

Highest offer: \$0

Case evaluation: \$70,000

Verdict amount: \$3,100,000

Most helpful experts: Dr. Aimee-Garcia, internal medicine; Dr. Smitherman, de-fendant's internal medicine expert

Attorney for plaintiff: Jon Marko, Detroit