

Abrams Fensterman, LLP Scores another Defense Verdict in a Medical Malpractice Trial

FEATURED ATTORNEY



Michael S. Kelton

Of Counsel

Abrams Fensterman, LLP has won yet another defense verdict for a physician-client in a medical malpractice trial in Brooklyn Supreme Court. The case was tried by [Michael S. Kelton](#), Partner-Director of the firm's [Medical Malpractice Defense Practice](#). The case was handled through the pre-trial process by [Partner Denise Buda](#). Plaintiff was represented by Kramer Dill of Livingston & Moore, regarded as the premier plaintiff's medical malpractice firm in New York.

In *K.S. v. M.K., M.D., A.P.G., M.D. et al.*, Abrams Fensterman, LLP's client, a neurologist, was sued for failure to diagnose and timely refer a patient who was suffering from a urethral stricture obtained as a result of a cystoscopy performed earlier by the co-defendant treating urologist. It was alleged that our client, to whom the plaintiff-patient was referred for a neurological evaluation after he began to experience urinary incontinence and a decreased urinary flow, failed to recognize that the plaintiff was suffering from the stricture, which had developed after the co-defendant urologist's cystoscopy procedure. The plaintiff also sued the urologist who had performed the cystoscopy, who was represented by separate counsel.

Mr. Kelton successfully argued to the jury that, upon referral to our client by the urologist who had performed the cystoscopy, our client properly performed a full neurological work-up in an attempt to determine if there was a neurological cause for the plaintiff's urinary symptoms.

Plaintiff, who was 27 years old at the time of the events, claimed that as a result of the delay in diagnosis and treatment of the stricture, he suffered severe and irreversible damage to his urethra, requiring two surgeries, both of which were unsuccessful. Plaintiff alleged that he will require self-catheterization on a weekly basis for the rest of his life. In his summation, plaintiffs' attorney asked the jury to award his client \$3.5 million in past and future damages as against both doctors.

At the conclusion of the month-long trial, the jury unanimously found our client to be free from liability, while finding the co-defendant urologist liable and ordering him to pay plaintiff damages in the sum of \$3.6

million.