

PORTLAND, OR, October 14, 2013 **/24-7PressRelease/** -- Following almost two weeks of trial, Attorneys David K. Miller and Robert S. Wagner recently obtained a \$12 million medical malpractice award on behalf of a young victim of a surgical error resulting in the need for an emergency liver transplant at Stanford University.

According to court documents, a [surgical error](#) occurred during an operation to remove a malignant tumor from the liver of a four-year-old patient. The boy had received a favorable prognosis by doctors at Oregon Health and Sciences University ("OHSU"), and thus underwent the surgery in September 2009 with the understanding that the removal of the tumor would fully cure the cancer and allow his liver to fully recover and function normally. However, the surgeons performing the operation inadvertently cut through vessels and ducts they were intending to avoid during the procedure. This error ultimately destroyed the child's entire liver.

Since the surgical error, the young patient and his family have suffered through a medical nightmare. Due to the immediate need for a donated liver, the child's mother donated a portion of her liver and underwent emergency transplant surgery to save her son's life. After three months in the hospital, the boy and his family finally returned home, but his condition has required countless hospital trips, medications and medical bills. In total, the cost of care had risen to above \$4 million by the time the case reached trial.

Days prior to the beginning of the trial, OHSU admitted its surgical error in documents filed in court. Nonetheless, OHSU continues to refuse to fully pay for the child's past medical expenses or his future costs of care directly resulting from the doctors' admitted error. Despite the jury's clear direction to properly compensate the boy and his family, OHSU appears poised to appeal, arguing it is protected under a 2009 Oregon law, which caps damages against OHSU at \$1.5 million. Attorneys Miller and Wagner are nevertheless steadfast in their belief that the law is unconstitutional as applied in this case, and that the jury's decision will be upheld, thus gaining the boy and his family the compensation they deserve.

About Miller & Wagner, LLP

Attorneys [David K. Miller](#) and [Robert S. Wagner](#) lead an experienced team of medical malpractice professionals at Miller & Wagner, LLP. The team's previous work representing doctors and insurance companies provides a unique perspective that sets the firm apart in representing present victims of medical malpractice. Miller & Wagner, LLP, will aggressively pursue all possible compensation for victims who have suffered due to the negligence of a medical care provider.

In addition to the recent \$12 million verdict in their client's favor, Miller and Wagner, LLP, have prevailed in numerous cases resolved by settlement, without the need for trials. However, when faced with trial, Dave Miller and Bob Wagner have achieved two other verdicts in favor of their clients over the course of the last year and a half.

In March of 2012, a Portland jury returned a unanimous verdict in favor of parents of a child born with Down's Syndrome, awarding cost of care damages in the approximate sum of \$3 million. The case was thought to be one of the first in the country involving allegations of negligence in the performance of pre-natal testing, which caused the diagnosis of Down's Syndrome to be negligently missed by the health care providers.

In January of 2012, a Salem jury returned a unanimous verdict in favor of the surviving children of a woman who died from a negligently placed line into her heart. Dave Miller and Bob Wagner argued the negligence on the part of the physician was so egregious as to warrant punitive damages against the physician. The jury agreed, awarding \$1 million in punitive damages, as well as \$750,000 in compensatory damages.

While trials are necessary in some cases, the lawyers at Miller and Wagner work hard to convince the insurance companies and hospitals against which they bring claims to resolve the claims short of trial. The vast majority of cases do settle short of trial. However, when trial is necessary, Dave Miller and Bob Wagner have a proven track record of success on behalf of their clients.

If you or a loved one has been the victim of medical malpractice, contacting an attorney can be the first step on the road to recovery. For experienced and respected representation, call Miller & Wagner, LLP, toll-free at (866) 785-6625 or visit www.miller-wagner.com.