

CLINICAL NEGLIGENCE CASE REPORT

Mrs Carole Langton v Dr Daniel P Goldberg

Introduction

Mrs Langton was admitted to the Hurlingham Clinic and Spa for cosmetic eye surgery carried out by Dr Goldberg.

The operation was carried out that day and Mrs. Langton was sent home. She was advised that her eyes would be tender and sore but that she should be getting back to normal within 14 days. Unfortunately Mrs Langton got worse not better, and was referred to a specialist Consultant Ophthalmic Surgeon who saw her three weeks later on 13th December 2004. He examined Mrs Langton and advised her that she was suffering from irritation caused by protruding stitches which were poking into her eyeballs, her eyeballs are a natural defence and produce lumps to try and protect itself and the stitching on the left lower eyelid had collapsed causing Mrs Langton's eye to droop.

Mrs Langton was advised that she needed two operations to remove the stitches and repair the left lower eyelid.

The Legal Case

We obtained copies of Mrs Langton's medical records and instructed an independent Ophthalmic Surgeon to review the notes and records, examine Mrs Langton and prepare a report advising on whether there had been any shortcomings in Dr Goldberg's care and Mrs Langton's current and future condition and prognosis in respect of the eyes and the surgery.

The medical report came back positive and our expert advised that the problems were most likely due to poor stitching technique.

We wrote a detailed Letter of Claim to Dr Goldberg, however he failed to respond to any correspondence and we had to issue legal proceedings to protect Mrs Langton's legal position, which we did on 7th February 2007.

Dr Goldberg then prepared a robust Defence contesting liability.

Witness Statements were exchanged and Dr Goldberg again rebutted any suggestion that he had done anything wrong.

In November 2007 independent medical reports were exchanged, Mrs Langton's expert argued that the most likely cause of the problems was poor stitching technique, the expert instructed by the Defendant submitted that Mrs Langton's problems were as a result of her rubbing her eyes.

The matter was set down for trial with a time estimate of 1½ days but subsequently settled.

The Settlement

Before issuing legal proceedings, Mrs Langton made an early offer to settle in the sum of £21,000. However, Dr Goldberg ignored the offer and maintained throughout the proceedings that he had not done anything wrong and the case would be contested to trial. Shortly after exchange of expert evidence the Defendant re-opened settlement negotiations. The Defendant initially made an offer of £35,000 (including damages and costs) which was rejected, the offer was increased to £40,000 this was also rejected and Mrs Langton made a counter-offer of £45,000 which was subsequently accepted.

The case was settled on a global basis but an assessment can be roughly broken down as follows:-

An award for pain, suffering and loss of amenity	£10,000.00
An award for Special Damages	£11,500.00
Balance (Legal fees)	

Solicitors Comments/Points of Interest

Dr Goldberg refers to himself as a Consultant. However, from his CV all of his training was carried out in the USA and he has never held an NHS position – this is an area of concern as most people would assume that a Consultant had gone through the NHS selection criteria. Perhaps tighter controls should be exercised in respect of “titles” to assist the general public in their selection of a doctor.

This matter was privately funded by Mrs Langton

Claimant's Legal Team

Solicitor: Janice Gardner
Barrister: Caroline Hallissey

For more information please contact:

Janice Gardner

Partner
020 8394 6569
Janice.Gardner@russell-cooke.co.uk

This material does not give a full statement of the law. It is intended for guidance only and is not a substitute for professional advice.

No responsibility for loss occasioned as a result of any person acting or refraining from acting can be accepted by Russell-Cooke LLP.

© Russell-Cooke LLP

January 2008