

# Dental Distributor

**Medmarc Helps Global Dental Distributor Avert \$8 Million Lawsuit.**  
Smart strategy from day one helped de-escalate a potentially devastating case.

## EXECUTIVE SUMMARY:

A physician claimed he developed a traumatic brain injury and spine damage when an office fixture, supplied and installed by Medmarc's insured, hit him on the head. The doctor claimed the incident left him with permanent, debilitating injuries. However, Medmarc's legal counsel uncovered evidence to the contrary.

A successful outcome at trial helped Medmarc's insured maintain its reputation. In addition, the company was responsible only for its deductible—about 9% of the original \$8 million demand.

## THE PARTIES

Distributor Inc. is a global distributor of medical and dental supplies. Distributor Inc. also provides delivery, installation and servicing of select equipment. The plaintiff is a doctor in private practice who purchased several pieces of equipment from Distributor Inc.

## THE INCIDENT

A Distributor Inc. employee installed an overhead light in plaintiff's medical office. During a patient visit, the light detached from its hinges and hit plaintiff in the head.

The plaintiff believed the light fell because it was not installed according to the manufacturer's instructions. Distributor Inc. visited the plaintiff's office after the incident and confirmed the lighting mount was missing one of its screws.

The plaintiff claimed he suffered a traumatic brain injury (TBI) and chronic neck and neurological problems as a result of the incident. His doctors said these issues were permanent and would prevent him from practicing medicine.

## THE ALLEGATION

The plaintiff alleged negligence and product liability claims against Distributor Inc. The plaintiff also alleged product liability claims against the manufacturer. He claimed the manufacturer negligently designed and manufactured the light by requiring multiple screws for proper installation.

## THE LEGAL PROCEEDINGS

A federal court granted plaintiff's summary judgment motion regarding Distributor Inc.'s liability: Distributor Inc. did not dispute the improper installation of the light that caused the accident. The case proceeded to trial on damages only.

Plaintiff claimed significant damages, including:

- Nearly \$200,000 in medical expenses
- More than \$37,000 in prescription drug expenses
- \$4.7 million in lost earnings
- \$1.2 million in business debts
- \$710,000 in non-economic losses

Plaintiff was not willing to settle the claims for anything less than \$8 million. He claimed his injuries prevented him from practicing medicine now and in the future. The head injury left him with vertigo, nausea, fatigue, ringing in the ears, left-side weakness, tremors, and balance problems. Further examinations revealed a cervical disk impingement.

Plaintiff's doctors limited his work hours to 20 per week with an eight-year work-life expectancy.

Medmarc's insured disputed plaintiff's injuries. At trial, Medmarc's medical expert, a neurologist, found no evidence of TBI or spine trauma on MRI and CT scans. He also found no medical explanation for the plaintiff's tremors and left-side weakness. Plaintiff's medical experts admitted the MRI scans showed no damage. Even more revealing, surveillance footage presented by Medmarc's legal counsel showed plaintiff walking, driving, and carrying packages in his left hand shortly after the accident.

## THE MEDMARC ADVANTAGE

Understandably, Distributor Inc. worried about potential damage to its reputation and brand image. Distributor Inc. had grown from small business into a global entity based on its ability to provide quality products and excellent customer service. However, while they did not dispute that the light was not properly installed, they wanted to bring to light the true nature of the plaintiff's injuries.

Throughout this case's five-year lifespan, Medmarc's claims experts, risk management team, and legal counsel stood by Distributor Inc. From day one and dollar one, Medmarc partnered with Distributor Inc. to make key decisions to mitigate risk, such as their choice of counsel and the best number of experts they would use in their defense. Medmarc takes this team approach for all clients, regardless of the size of the company or the extent of the policy.

Medmarc also hired legal counsel with extensive experience defending medtech products liability cases as well as strong familiarity with the venue. The firm had litigated before this particular judge multiple times and developed its strategy accordingly. Additionally, Medmarc partnered with legal consultants to assist with jury selection.

Medmarc's personalized attention and service not only helped streamline the legal process, but also put Distributor Inc. at ease. Medmarc held regular meetings with legal counsel and the insured to update them on the proceedings, the strategy, and what to expect next.

## RESULT

At the end of a five-day trial, the jury awarded plaintiff the following:

- \$175,000 in past and future medical expenses
- \$180,000 in lost income
- \$355,000 in non-economic damages

Total: \$710,000

## CONCLUSION

As a leading expert in medical device and life sciences products liability for more than 40 years, Medmarc values its long-term partnerships with clients. We worked very closely with this insured from the beginning to protect their brand and reputation and knew it was in their best interest to move forward with a trial. Throughout the prolonged claim, Medmarc continued to provide personalized insurance and risk management solutions to the insured to continue the long-term relationship.

## CASE STUDY DISCLAIMER

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