Jury Awards Man $2.1 Million in Radiology Medical Malpractice Case

Evidence presented at trial proved that a radiology group's failure to communicate findings of a spinal lesion on a CT scan to a patient resulted in permanent loss of sensation to the patient's legs. The combined efforts of attorneys Daniel Santola and Margie Soehl of Powers & Santola, LLP produced a unanimous jury verdict in the amount of $2.1 million for their client in the representation of his medical malpractice action against the radiology group.


As reported in the court transcript, in unanimously finding for Mark Boyer, age 56, the jury determined that in February 2008 Radiologic Associates failed to properly communicate findings of a destructive lesion on a CT scan of Mr. Boyer’s spine to Mr. Boyer’s oncologist. As a result of that failure, the diagnosis and surgical treatment of Boyer’s spinal lesion was delayed by two weeks. That delay caused a severe compression of Mr. Boyer’s spinal cord, resulting in a permanent loss of sensation in both of his legs.

Mr. Boyer was represented by Daniel Santola and Margie Soehl of the Albany, New York law firm of Powers & Santola.

“Essentially the jury found that as a result of the radiology group’s malpractice, Mark will have to live the remainder of his life with a severe disability that has left him permanently disabled and in constant pain” said Santola. He said that the jury ordered the radiology group to pay Boyer, $600,000 for past pain and suffering; $900,000 for future pain and suffering; $120,000 for past lost wages; $450,000 for future lost wages; and $5,000 for the out of pocket medical expenses that had not been paid for by his health insurance carrier.

Court documents demonstrated that at the time of the malpractice, Mr. Boyer had been employed for many years as a custom cabinet maker by Custom Craft Woodwork in Highland, New York. As a result of his permanent disability, Mr. Boyer cannot stand or walk for any length of time and is no longer able to lift heavy materials and or operate machinery.

Justice James P. Gilpatric presided over the trial (Index No: 10-3862) in Ulster County Supreme Court, which took nearly three weeks. The jury returned its verdict on the second day of its deliberations.

Throughout the trial, Santola and Soehl made extensive use of their iPads and a wireless network they had created in the courtroom to project exhibits, including CT scans and PET scans, onto a large monitor for the jury to consider as the plaintiff’s expert witnesses, in the fields of neurosurgery, radiology and oncology, explained the significance of the exhibits to the jurors.

“I believe that our use of cutting edge technology made complex medical issues readily understandable for the jurors and directly contributed to their ability to correctly decide which of the defendants was responsible for Mark’s injuries” Soehl said.

Steven Milligram of the Newburgh, NY law firm of Tarshis, Catania, Liberth, Mahon & Milligram represented the radiology group.
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