

Won the first medical malpractice defense verdict in plaintiff-friendly Las Vegas, New Mexico in over 35 years for a hospital in a \$40 million case involving allegations of failure to diagnose and treat a lung disease which resulted in a patient's death. The jury unanimously found for WTO's client.

2022

WTO lawyers, working with local defense counsel Minal Unruh from Butt Thornton & Baehr, won a unanimous defense verdict in a \$40 million medical malpractice case involving allegations of failure to diagnose and treat the beginning of pneumonia which resulted in a patient's death due to Adult Respiratory Distress Syndrome. The win represents the first medical malpractice defense verdict in Las Vegas, New Mexico in over 35 years.

The case presented several challenges including the court allowing the plaintiff to use the ordinary negligence standard to prove nursing and hospital negligence without any expert testimony. The court also allowed the plaintiff to attempt to prove that one of the nurses was negligent in a settled lawsuit several years before the care in this case. At closing, the plaintiff requested \$40 million in damages. However, after five hours of deliberation, the jury awarded a unanimous defense decision to WTO's client.

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Defense verdicts in wrongful death and medical malpractice cases are exceedingly rare in New Mexico, where plaintiffs can choose their venue based on who they hire as the personal representative for the patient's estate, enabling them to file to favorable venues. WTO's win will set a new precedent going forward that these cases can and will be successfully defended in New Mexico trial courts.