

Won a jury defense verdict for a tele-neurologist in a \$33 million medical malpractice trial involving a stroke patient.

2024

WTO partner **Brian Osterman** won a jury defense verdict for a tele-neurologist in a \$33 million medical malpractice case. The verdict followed a six-day trial in federal court in Denver.

The plaintiff suffered a stroke at age 45. She alleged that the doctor negligently misdiagnosed her and did not properly treat her. She claimed that she could no longer work, has cognitive impairment, and needs daily assistance.

WTO lawyers argued that the woman's symptoms were atypical for a stroke patient and that the doctor's clinical judgment was reasonable given what was known at the time. WTO demonstrated that the doctor was thoughtful and open-minded in his diagnosis. Additionally, WTO lawyers leaned on data to dispute the plaintiff's theory about what medication the doctor should have prescribed.

The verdict sends a positive message to healthcare providers, and in particular those practicing tele-health, that if they use sound judgment in a moment, they should not face consequences as new information emerges or circumstances change later in time.

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