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**Jury Awards \$2.2 Million in Defective Laparoscopic Instrument Case**

Patient said that stray electricity from a coagulator perforated her bowel.

Categories: General Surgery, Legal/Regulatory, Safety, Supplies/Implants, News

Richard Wolf Medical Instruments has been ordered to pay \$2.2 million in damages to a woman who claimed that her bowel was perforated when electricity escaped from the shaft of a poorly designed laparoscopic coagulator.

A San Diego jury found device manufacturer Richard Wolf negligent and liable for Andrea Huber's injuries because of the design of the coagulator. "Andrea went through something terrible," said the plaintiff's attorney, Damian Dolin. "It was something that could have been avoided."

The lawsuit filed in 2008 was the result of laparoscopic surgery that Ms. Huber underwent for endometriosis in 2007. Two and a half weeks after surgery she complained of abdominal pain and was diagnosed with peritonitis as a result of a fecal matter that seeped out of a bowel perforation. Ms. Huber had to have additional surgery to remove a portion of her bowel and later had to have her fallopian tubes removed because of complications from the surgery.

During the 10-day trial in October 2010, attorneys for Richard Wolf argued that the bowel perforation was not from an electrical burn and that it occurred during the insertion of the trocar, said Mr. Dolin. However, the jury agreed with Ms. Huber's claim. "Somewhere along the shaft, stray electricity came off," he said.

The attorney who represented the device manufacturer did not immediately respond to a request for comment on this article. According to the docket of the Superior Court of California, County of San Diego, the device manufacturer has filed an appeal.

*Kent Steinriede*

**Correction:** The article in today's e-Weekly newsletter about the efficacy of sponge counting systems contained an error. The study was not sponsored by the manufacturer, SurgiCount Medical. The independent research performed found that after installing a surgical sponge tracking system, a hospital went 18 months and 87,404 procedures without a retained sponge incident, compared to an average of once every 64 days before installing the system.

*More breaking news*

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Researchers say aggressive interventions for low-risk patients may do more harm than good.

**Grant Program Will Award \$1M for Medication and OR Safety Projects**

Cardinal Health Foundation is accepting grant applications until Dec. 3.

**CMS to Waive Separate Waiting Room Requirement for Certain ASCs**

Existing facilities may apply for a waiver if compliance would result in "unreasonable hardship."

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