



Dental Calamity Leads To \$950,000 Settlement

Molar extraction leads to 911 call, permanent injuries

By THOMAS B. SCHEFFEY

Jane Doe v. Dr. Joan Smith: A woman who sustained severe injuries during what was supposed to be a routine dental treatment was awarded \$950,000 in a confidential settlement.

On Nov. 5, 2005, a dentist attempted to extract Jane Doe's fractured upper right molar. She used a tool that blew compressed air into her sinus area and other facial spaces during an "unsuccessful and aggressive exploration of the fractured tooth," said **Stewart M. Casper**, attorney for the plaintiff.

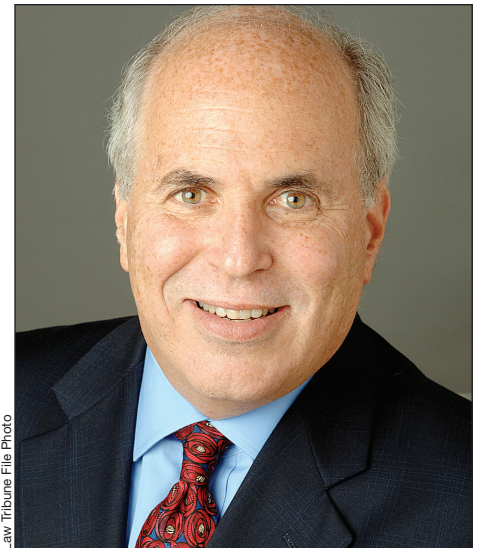
What had started as an extraction in a general dentistry office escalated into a 911 emergency, as the patient began to bleed profusely and her head began to swell from forehead to neck.

Under an inadequate local anesthetic, the patient, according to Casper, "reached up and felt her swollen face and she could see the swelling from her left eye. She started to panic, began to feel the room spinning — and she knew that she was passing out." Doe was rushed to a hospital.

The plaintiff's medical expert, Greenwich dentist Richard A. Greenberg, examined Doe and her records and said he was struck by her "profound facial asymmetry." He was critical of the defendant's judgment, which he said appeared to have come from the use of a high-speed drill that vented air into the jaw, or an air syringe. Greenberg said the use of either one in such a procedure is "inconsistent" with the standards of medical care.

The dentist denied using either tool.

Doe suffered swelling and weakness on



Law Tribune File Photo

The Jane Doe plaintiff (left) sustained swelling on the right side of her face, along with nerve damage. She told her attorney, Stewart M. Casper, 'I look weird.'

the right side of her face, decreased hearing, short-term memory problems, facial pain and severe headaches, Casper said. The injuries affect her ability to chew, and are cosmetically embarrassing and affect his client's self-esteem, he added.

Doe told him: "My face looks completely weird. I look weird, like someone obviously will be thinking, 'What's wrong with her?'"

Her medical and dental costs were \$7,760.

In October, 2007, she was evaluated by Fairfield oral surgeon Brian E. Fitzgerald, who catalogued additional medical problems. Her possibly permanent nerve damage has left her without sensation in her cheek. She has some loss of taste, and she has been unable to go to a dentist and replace the lost tooth. The 34-year-old moth-

er of five is "holding up fairly well emotionally" Fitzgerald found, but has been left with a much different quality of life than she would have had if this "routine procedure had been properly performed."

The defendant dentist was represented by attorney **Ilyssa Kelson** of **Ryan Ryan Deluca** in Stamford, who did not return a call for comment. In a pre-trial hearing before Stamford Superior Court Judge **Arthur Hiller**, the parties agreed to a settlement of \$950,000, Casper said.

Editor's note: The Law Tribune is generally unwilling to report settlement results in which both parties use pseudonyms.

In this case, there were unusually strong indications of reliability, including the photograph of the plaintiff, and verifiable collaboration from identified experts.