

Suits and Deals

## Med Mal Case Over Eye Surgery Settles for \$1.35M in Monmouth

David Gialanella, New Jersey Law Journal

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A woman who lost vision in one eye during an ophthalmological procedure gone awry settled her Monmouth County medical malpractice suit, *Nelson v. Klug*, for \$1.35 million on June 14.

In July 2012, Peggy Nelson visited a medical office in Holmdel for a cataract extraction and lens implant in her left eye, to be performed by ophthalmologist Ronald Klug with the assistance of anesthesiologist Andrea Engel, said Nelson's lawyer, Daryl Zaslow of Eichen Crutchlow Zaslow & McElroy in Edison.

Zaslow said Nelson, as the doctors were preparing to operate, was experiencing coughing fits, which the suit claimed posed a risk to Nelson because it forced her to move during the procedure.

During the surgery, Nelson began to cough uncontrollably and developed a hemorrhage, necessitating that the surgery be aborted before the lens could be implanted. She subsequently experienced complications and underwent several procedures by retinal specialists, but lost vision in her left eye, Zaslow said.

The suit claimed both Engel and Klug were negligent in proceeding with the surgery despite Nelson's coughing fits; the suit relied on notes taken during the procedure documenting that Nelson had been asked to clear her throat.

Nelson claimed the doctors had a duty to refrain from performing the surgery under the circumstances.

The defendants contended that Nelson had only mild coughing prior to surgery, which she was able to control, and the severe coughing fits did not occur until the procedure already was underway and could not immediately be stopped, according to Zaslow.

Nelson, now 77, lived in Toms River at the time of the surgery, but has since moved to South Carolina, Zaslow said.

The parties settled a few weeks before the trial was set to begin, on July 10. Each defendant agreed to pay half of the \$1.35 million sum, Zaslow said. Both were insured by Princeton Insurance.

MaryAnn Nobile Wilderotter of Ronan Tuzzio & Giannone in Tinton Falls, for Klug, didn't return a call seeking comment.

Neither did Engel's lawyer, Joseph Cooney of Widman, Cooney & Wilson in Oakhurst.

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