

**Construction Foreman Doe vs. Ophthalmologist Eye Surgeon**

**North Central Pennsylvania**

**Court of Common Pleas Lycoming County**

**Settlement September 2003**

On May 12, 2000, Construction Foreman Doe was seen for a Lasik screening by Defendant. During the evaluation, a technician performed several tests, including a corneal topography, and Defendant examined Mr. Doe. After his examination, Defendant informed Mr. Doe that he was a good candidate for Lasik surgery. Defendant did not tell Mr. Doe that the corneal topography demonstrated signs of keratoconus even though he suspected as much. Defendant did not discuss the fact that keratoconus is a contraindication for Lasik surgery with Mr. Doe.

On May 25, 2000, Mr. Doe underwent a bilateral Lasik procedure at the Defendant's office. Mr. Doe's vision deteriorated, especially in the left eye. Since Mr. Doe was told repeatedly that his vision would improve with time, he conscientiously continued to see Defendant. Defendant acknowledged that neither he nor any of his partners had actually seen the January 26, 2001, topography until he received notice of this action.

Mr. Doe's keratoconus was worsened by the Lasik procedure. A number of doctors saw Mr. Doe and he had a series of contact lenses without much success. Finally Mr. Doe was referred to a contact lense specialist at Geisinger Medical Center.

There were attempts to fit Mr. Doe with contact lenses. A piggyback contact lense system effective for the right eye was devised but not for the left eye. A cornea transplant was performed for the left eye and there is of course a small risk of rejection.

Doctors continue to follow Mr. Doe.

Mr. Doe had problems with dryness of the left eye, tearing problems, a feeling of grittiness and of course Mr. Doe is virtually blind in his left eye. There are attempts once again being made to fit the left eye with a contact lense system. It is difficult for Mr. Doe to wear the contact lense for more than an hour.

Mr. Doe has returned to his job as a construction foreman, but his responsibilities are such that he cannot do the bigger jobs and a lay-off is possible in the future according to his foreman.

Night driving is very difficult.

Mr. Doe is severely compromised with respect to hobbies such as hunting, fishing, archery and working on remodeling his old farmhouse.

The case was settled for \$800,000.

This case was handled by:

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