



Fox Rothschild LLP  
ATTORNEYS AT LAW

## **The Personal Injury Practice Area at Fox Rothschild LLP**

### **Case Studies**

**Court of Common Pleas – Philadelphia  
April, 2007**

#### **I. Situation**

In June, 2002 our client developed pain in her lower jaw and an inability to open her mouth. Her initial treating dentist tried conservative treatment but her condition worsened. He referred her to an oral and maxillofacial surgeon who took an x-ray which showed changes consistent with early osteomyelitis (bone infection) but did not take appropriate action. The client went to other dentists who essentially did nothing to make the diagnosis. Nine months later the correct diagnosis was made but by then the destruction of her jaw by the infection was far advanced and despite two surgeries, three years of antibiotics and oxygen therapy the infection continues.

**II.** What we did: We investigated a potential dental malpractice claim. We undertook a thorough review of the records and discovered that the original x-ray had been duplicated but was so dark as to obscure the areas of concern. At the deposition we obtained the original panorex x-ray and discovered the early signs of the infection. We retained three outstanding experts – one in general dentistry, a radiologist and an infectious disease specialist. Using the testimony of the current treating dentists and the experts we were able to prove that had the original panorex been interpreted correctly there was an opportunity for a cure which may now have been lost.

**III.** Result – The case was investigated, prepared and tried by Jim Griffith and Julie Burdo, with assistance from paralegal Melanie Davidson. Following nine days of trial we obtained a jury verdict of \$1,800,000. The case has since been settled thereby avoiding an appeal.