

Yankton Co. Jury Finds Surgeon Liable For Medical Malpractice

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A Yankton County jury found a local surgeon liable for medical malpractice this week and rendered a \$933,835 verdict in favor of the plaintiffs.

Dr. Allen Sossan, a reconstructive spinal and orthopedic surgeon, and his practice, Reconstructive Spinal Surgery and Orthopedic Surgery, P.C., of Norfolk, Neb., were the defendants in the case.

The estate of Frances Bockholt, represented by Tim James of James Law, and Dan Rasmus of Rasmus Law Office, argued that Sossan had performed two unnecessary spinal fusion surgeries on the then-79-year-old Bockholt. Sossan was represented by Kathryn Hoskins, Reed Rasmussen and Jeff Bratkiewicz of Siegel, Barnett & Schutz, L.L.P.

The first surgery was performed March 17, 2010, at Avera Sacred Heart Hospital in Yankton. The second surgery was performed July 14, 2010, at the Lewis and Clark Specialty Hospital in Yankton.

Bockholt, a Fordyce, Neb., resident, died in March 2011 at age 80.

The jury found that the defendants were negligent in providing medical treatment and that their negligence was a legal cause of injury to Bockholt.

However, the jury did not find that negligence was the legal cause of death.

Damages of \$500,000 were awarded in relation to Bockholt's medical care, treatment, nursing and attendance services. An additional \$250,000 was awarded for the conscious pain and suffering, mental anguish and loss of capacity to enjoy life from the time of Bockholt's first surgery until the time of her death. Also, \$183,835.60 was awarded as pre-judgment interest.

Timothy Bockholt, Jennifer Good, Peggy Roberts, Judith Bockholt and Ingrid Phipps were named as plaintiffs along with the Bockholt estate.

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