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**\$5 million settlement in case of
sexual assault by employee**

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**Twenty five of our attorneys have
been honored to be included in
The Best Lawyers in America**

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Record \$10 million jury verdict for wrongful death

Recreational vehicle struck, killed pedestrian

In January 2022, a Volusia County jury in Florida's Seventh Judicial Circuit deliberated less than two hours before finding Ronald Scirrotto and his employer, La Mesa RV Center, responsible for a 2019 fatal collision with a pedestrian, 29-year-old Jacob Branen. Jacob had been walking along the shoulder of a road in Daytona Beach heading to his job. Mr. Scirrotto, driving a 24-foot RV belonging to La Mesa passed Jacob at 45-50 mph, drifted out of his lane and the side mirror of the RV struck Jacob. Emergency responders transported him to a local hospital where he died of his injuries.

Jacob's parents, Robert and Anne Branen, were devastated by the loss of their beloved son. Particularly difficult were allegations from the RV company and an investigating officer that Jacob was responsible for his own death, having inexplicably stepped off the shoulder of the road into the path of the oncoming RV. Robert and Anne Branen contacted Searcy Denney attorney **Brian Denney** and paralegal Nick DeBellis seeking counsel on finding the truth about what happened.

Mr. Denney conducted a comprehensive investigation that led to the real truth about what happened. Depositions and court documents offered at trial provided additional details



Brian Denney (first on left) with Jacob Branen's family who attended the closing arguments and Matt Schwencke (second from right).

of the incident. The RV driver claimed that he saw Jacob on the side of the road with his back to traffic. The driver also claimed that he tried to move into the left lane but traffic prevented his move. Testimony from an eyewitness driving near the RV stated that Jacob was [\(Continued on page two.\)](#)

Urologist's negligence during prostate surgery: \$2.9 million verdict

Surgeon failed to control catastrophic bleeding causing organ failure and death of the patient

On December 10, 2021, a Miami-Dade County jury returned a verdict of \$2,960,110 against Barbara Montford, M.D., a Miami urologist who negligently caused the wrongful death of her 71-year-old patient, Raul Barbero.

The case was brought by Mr. Barbero's widow, Maria Santana. In 2013, the couple had moved from Cuba to live close to their extended families in Miami, Florida. In 2015, a routine physical examination of Mr. Barbero revealed an elevated PSA score – an

indication of prostate cancer. A biopsy of his prostate revealed abnormal cells and a Gleason score of 6 indicating aggressive growth of the cancerous cells. Mr. Barbero contacted Dr. Montford for advice and treatment of his prostate cancer. Dr. Montford later testified that she recommended numerous treatment options including surgery (both traditional and robotic), observation, radiation therapy, cryotherapy, and hormonal therapy. Mr. Barbero chose to have traditional open surgery to remove his prostate. Notably, Dr. Montford only performed traditional open surgery, preferring to refer patients seeking robotic surgery to other doctors.

Mr. Barbero had several medical conditions which urology experts testified would make Mr. Barbero a bad candidate for traditional open surgery where significant bleeding might occur. He suffered high blood [\(Continued on page four.\)](#)

Urologist's negligence during prostate surgery: \$2.9 million verdict

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pressure, cardiac issues which required use of blood thinners, and COPD. The expert for the plaintiff noted that with the Gleason score of 6 and no evidence of metastasis, the other less invasive treatment options should have been recommended. The safer option, stated the expert, would be continued observation and radiation therapy. If, however, Mr. Barbero insisted on surgery, robotic surgery should have been recommended as opposed to traditional open surgery.

The operation took place on March 1, 2016. Dr. Montford later testified that she encountered a "burst" of bleeding at the surgical site. However, she failed to document the amount of blood loss in her operative notes. She claimed the bleeding was controlled and Mr. Barbero was stabilized. At trial, she claimed that she had relied on the anesthesiologist to track blood loss and deferred to them to institute blood replacement. Both the anesthesiologist and the nurse anesthesiologist testified that Mr. Barbero had lost four liters of blood, an amount described as massive and catastrophic. Because of the blood loss, Mr. Barbero became severely anemic and went into shock. An expert pathologist who later performed a private autopsy testified that Mr. Barbero had died from a massive intraoperative hemorrhage and organ failure from severe damage to his kidney, liver, and



Raul Barbero with his wife, Maria Santana.

lungs. The plaintiff's pathologist agreed with the hospital that there was cancer in only 5% of the prostate. The plaintiff's pathologist was critical of the death certificate issued by the defendant urologist which stated that Mr. Barbero had died of "natural causes," namely cardiac and respiratory arrest, making absolutely no mention of the surgery, much less the excessive bleeding and resulting organ failure.

In her defense, Dr. Montford testified that it was the anesthesiologists' job to keep track of blood loss. Further, she offered expert testimony that the intensive care unit that treated Mr. Barbero after surgery did not adequately resuscitate him. The urologist also testified that she was not familiar with the hospital's massive transfusion protocol which, if activated, would have provided added units of blood and platelets within 15 minutes. The jury rejected the defendant's attempt to blame others, finding that the defendant's negligence was the cause of Mr. Barbero's injury and death.

The jury was asked to evaluate Maria Santana's loss of her husband's companionship and protection, and the pain and suffering she had endured while watching her husband suffer his injuries for two weeks before he died. Assessed past damages was tallied at \$960,110 and future damages at \$2,000,000. Earlier, in October 2018, Maria Santana had offered to settle her claim against Dr. Montford for the doctor's insurance policy limits of \$250,000. The policy contained a provision which required the consent of its insured physician before any offer or settlement could be made. The defendant urologist never consented to settle this case, choosing instead to expose herself and her practice to a judgment which will now exceed \$3 million once court costs and attorney fees are assessed.

Ms. Santana was represented by Searcy Denney attorneys **Mariano Garcia, Edward Ricci, Juan Diaz,** and **Boris Zhadanovskiy.** ♦



(l-r) Attorneys Juan Diaz, Mariano Garcia, Maria Santana, paralegal Helem Ortiz, and Attorney Ed Ricci.