



VERDICTSEARCH

NEW YORK

RICHMOND COUNTY

MEDICAL MALPRACTICE

Dentist

Woman wanted better smile, dental work failed to provide it

VERDICT	Defense
CASE	Laurie E. Walters-Perla, Fred Perla v. Gerard M. Villa D.D.S., No. 10218/95
COURT	Richmond Supreme
JUDGE	Philip G. Minardo
DATE	5/4/2004
PLAINTIFF	
ATTORNEY(S)	Judith E. Crumpton, trial counsel to Sciretta & Venterina LLP, Staten Island, NY
DEFENSE	
ATTORNEY(S)	John A. Orbon, Amabile & Erman P.C. , Staten Island, NY

FACTS & ALLEGATIONS In May 1993, plaintiff Laurie Walters-Perla, 33, a teacher and an accountant, presented to the Richmond County dental office of Dr. Gerard Villa. Walters-Perla sought cosmetic dental work to improve the appearance of her smile. Villa intended to place two crowns and three laminates to create the appearance of six teeth where Walters-Perla had only five, as a result of a missing front tooth. Complications arose during the ensuing five months of treatment, and Perla had to undergo additional dental procedures, including root canal and bone grafts.

Walters-Perla sued Villa. She claimed that in preparing for the laminates, Villa left an acid gel on the surface of her teeth too long, that it went into the pulp, and resulted in hypersensitive teeth. She also claimed that after root canal on tooth No. 9, he left it open too long and an infection developed. Her dentistry expert testified that a permanent seal should have been used instead of a temporary seal.

Villa contended that the gel was not left on for an excessive amount of time. He further claimed that in any event it is only surface-active—it is not absorbed into the tooth—and thus, that it could not have been the cause of any hypersensitivity.

Regarding the root canal, Villa argued that leaving it open was proper because it allowed for the drainage of infectious material. A sponge kept out foreign matter.

One of Villa's dentistry experts testified that a temporary seal is the industry standard; that a permanent seal is not used until after a final decision is made regarding the course of treatment.

INJURIES/DAMAGES *dental; loss of services*

Walters-Perla claimed that she had to undergo additional dental procedures, including root canal and bone grafts, to remedy the defects caused by the alleged malpractice.

RESULT The jury rendered a defense verdict. It found that Villa did not deviate from the standard of care.

DEMAND	\$150,000
OFFER	None
INSURER(S)	Medical Liability Mutual Insurance Co.
TRIAL DETAILS	Trial Length: 6 days Jury Deliberations: 2 hours Jury Poll: 6-0 Jury Composition: 3 male, 3 female
PLAINTIFF	
EXPERT(S)	Gerald Zupkoff, D.D.S., general dentistry, Brooklyn, NY
DEFENSE	
EXPERT(S)	Dr. Leslie W. Seldin, DDS, dentistry/odontology, New York, NY (examining dentist) Dr. Kenneth Treitell, dentistry/odontology, New York, NY

POST-TRIAL Post-trial motions were denied.

EDITOR'S NOTE The plaintiffs' counsel did not respond to a faxed draft of this report and a phone call.

—John Hadler