

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=466928>

Patient sues over knee surgery

Operation was begun on wrong limb, man contends

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Posted: July 13, 2006

Oconomowoc - A Neosho man is suing Oconomowoc Memorial Hospital and an orthopedic surgeon, contending he underwent surgery on the wrong knee and wound up permanently impaired.

Advertisement Harley Willert contends in the lawsuit filed in Dodge County Circuit Court that he was slated to have arthroscopic surgery on his left knee at the hospital but the medical team incorrectly operated on his right knee. When the surgeon, Scott Stanwyck, realized he was working on the wrong knee, according to the lawsuit, he went ahead with arthroscopic surgery on the left knee.

Willert "had difficulty recovering from his multiple arthroscopies and missed a significant amount of work during his recovery time," the suit says. Moreover, according to the suit, Willert was left with a "limitation in both of his knees due to having the surgical procedures performed on both at the same time."

"He can't really work as much as he used to," said his attorney, Jay Urban of Milwaukee. "He's in the heating and air-conditioning business, and he knew that the surgery he was supposed to have on his left knee would leave him with some limitation in that knee. But now he's got limitations in both knees, and it's made worse because both were done at the same time."

Stanwyck, who is named in the lawsuit as a defendant along with the hospital and five insurance firms,

declined to comment on the suit and referred a reporter to his attorney, Paul Grimstad, who also declined to comment. Sandra Peterson, a spokeswoman for Oconomowoc Memorial, said she could not comment on pending litigation.

The lawsuit says that Willert, 56, underwent the surgery in July 2003 after X-rays revealed torn cartilage in his left knee. Urban said the lawsuit was not filed until this week because his client needed to determine whether there would be a permanent impairment.

"Willert has suffered severe and permanent physical injuries and scarring and past and future physical and emotional pain and suffering, humiliation, anxiety, emotional anguish and loss of enjoyment of life," the suit says.

The suit seeks unspecified damages for past and future medical expenses, lost earning capacity, pain and mental distress.

From the July 14, 2006 editions of the Milwaukee Journal Sentinel
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