

Missouri Lawyers

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WEEKLY

Verdicts & Settlements

■ \$9.5 MILLION PLAINTIFF VERDICT

Jury awards ex-dancer \$9.5 million for failed hip surgery

PERSONAL INJURY/PRODUCT LIABILITY

■ **Venue:** St. Louis

■ **Case Number/Date:** 1522-CC10079/Sept. 29, 2017

■ **Judge:** Jimmie Edwards

■ **Caption:** Benny L. Bell v. Smith & Nephew Inc., Hamid Redjal, Orthopedic Associates of Southeast Missouri P.C.

■ **Plaintiff's Attorneys:** Martin Perron, Maria Perron, The Perron Law Firm, St. Louis

■ **Defendant's Attorneys:** James L. Smith, Mariel Taylor, Kamykowski, Gavin & Smith, P.C., St. Louis

BY CATHERINE MARTIN
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A St. Louis jury awarded a former dancer \$9.5 million over a hip surgery that left him disabled and possibly unable to ever use his right hip or leg again.

Benny Bell, originally from Caruthersville, worked as a professional dancer, choreographer and teacher for many years all over Europe. Bell did "all kinds of physical, active dancing" his attorney Marty Perron said.

Eventually, Bell developed arthritis, and had surgeries, including a hip implant, to help with those issues. When he had nearly recovered from those surgeries, Perron said Bell could walk with little pain, drive and "generally carry on with the affairs of daily living."

"He probably would have continued to improve; certainly he would not have gotten any worse," Perron said.

A doctor he was referred to, Hamid R. Redjal in Cape Girardeau, however, recommended Bell have another surgery, which is where Perron said the problems started.

The 2014 surgery ultimately en-

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Marty Perron

tailed four allegations of malpractice, he said, including the initial decision to do the surgery, which Perron said was "completely unnecessary."

James Smith, who represented Redjal and his former employer, Orthopedic Associates of Southeast Missouri, has filed motions seeking a new trial. He did not return a call seeking comment. Perron said Redjal was fired by the practice and has moved to California.

Perron said Redjal claimed surgery was necessary because something was wrong with Bell's hip implant that St. Louis doctors had installed and Redjal concluded he needed to remove all or part of the implant.

During the surgery, Perron said Redjal didn't use a special tool made by the manufacturer that allowed a surgeon to remove the plastic liner from the implant, but instead used a drill and screw to remove the liner. The drill damaged a metal cup that was part of the implant.

Because of the damage, Redjal could not fit a new liner into the metal cup of the implant. He ended up removing the metal cup, Perron said, and fracturing Bell's pelvis.

"If he couldn't get the plastic liner reinstalled, he should have done it in



Benny Bell performs a dance move before surgery he says left him disabled. Handout photo.

a way that he didn't yank out all this bone and fracture Benny Bell's hip," he said.

Perron said after the surgery Redjal told Bell to walk on the hip which "caused additional pain and suffering and additional damage."

Since the surgery, Bell has not been able to walk, drive a car, run errands or "do everything else people are supposed to do," Perron said.

Regardless of the surgery, Bell's dancing career wouldn't have continued because of the arthritis, but he may have been able to teach, Perron said.

"He had a career ahead of him," he said.

The jury awarded Bell roughly \$4.5 million in damages that included medical and economic damages as well as future economic and medical costs, and \$5 million in punitive damages in the case.

Smith & Nephew Inc., a medical equipment manufacturing company, was also a defendant in the suit, but it settled with Bell, according to court records. **MO**