



BSPH congratulates William D. Bonezzi and Dawn Bonezzi [Litigation Paralegal] in obtaining a verdict in favor of their physician-client and practice group in Florida. Plaintiff claimed that during a MOHS procedure in 2016, another patient's instruments were utilized due to an error made by the medical assistants, resulting in Plaintiff being forced to undergo HIV testing and Hepatitis B testing for next 6 months. Importantly, all tests were non-reactive. In 2019, Plaintiff sought treatment at the VA Hospital claiming that he had an uncontrollable belief that he was positive for HIV and would pass it to his wife. The physicians at the VA Hospital diagnosed Plaintiff with PTSD caused by the possible instrument contamination, OCD, and delusional disorder. Plaintiff's expert opined Plaintiff also suffered from illness anxiety disorder. Plaintiff was emotional at trial due to inability to be with his wife and family. He acknowledged that these thoughts were delusional but could not help himself.

Defendants countered that Plaintiff did not seek assistance between 2016 – 2019. In fact, assistance from the VA Hospital was not sought until Plaintiff was deposed and he admitted no psychological assistance had been requested prior to deposition. Rather, evidence at trial confirmed that Plaintiff instead of seeking psychological assistance following the events in 2016, Plaintiff instead immediately sought legal assistance to pursue litigation. Indeed, if the psychological issues were so prevalent, why did Plaintiff wait three years before seeking assistance.

Following the close of evidence, the Court granted Plaintiff a directed verdict on the issue of standard of care finding that the possible use of contaminated instruments was negligent. Regarding proximate causation, the jury awarded Plaintiff zero dollars for psychological injury, past, present, and future and awarded his wife zero dollars on her consortium claim. The jury awarded Plaintiff \$1,033.00 for out-of-pocket medical expenses. Most impressive, prior to trial, this matter was submitted to arbitration wherein Plaintiff's were awarded \$500,000, which was appealed culminating in a total verdict in the amount of \$1,033.00. Additionally, the \$1,033.00 is a lien which must be paid back resulting in plaintiff's receiving no money.

